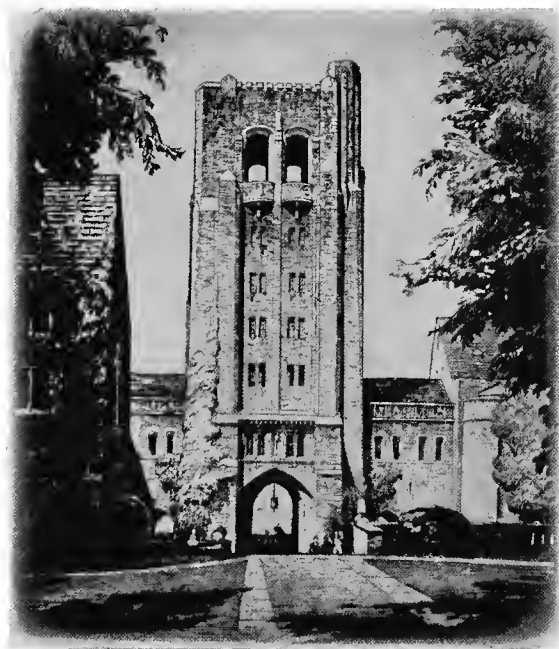


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CODIFICATION
of the
Regulations and Orders
for the
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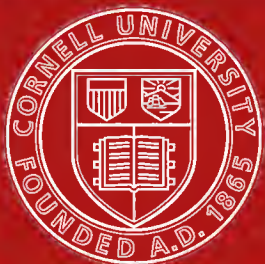
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CODIFICATION
OF THE
REGULATIONS AND ORDERS

FOR THE
GOVERNMENT OF AMERICAN SAMOA

BY
ALEXANDER STRONACH
JUDGE OF THE HIGH AND DISTRICT COURTS

BY
ORDER OF AND UNDER THE SUPERVISION OF
J. M. POYER
GOVERNOR

ISLAND GOVERNMENT PRESS

1917

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PREFACE.

About seventeen years have elapsed since the enactment of the first regulation for the Government of these islands by Commander B. F. Tilley, U.S.N., the first Commandant. During this time a large number of regulations have been enacted and orders made. Since many of these amend or repeal other regulations it has become difficult to ascertain the law on certain questions, without considerable research. It is essential to the maintenance of an orderly form of Government that both those administering the laws and those living under them should know, as far as possible, their exact provisions, and therefore it has been deemed proper at this time to codify the regulations and orders, which constitute the written law of American Samoa.

Few material changes have been made in the course of this Codification. Some errors have been corrected; regulations and orders, which have been repealed or which have become dead letters, have been eliminated; and amendments have been incorporated in their proper places in the body of the regulations. Many verbal changes have been made. A few of the regulations, giving instructions to native officials, were written first in Samoan and then translated into English and this occasioned some rather unusual forms of expression which have been changed. The term "American Samoa", by which these islands have come to be known in acts of Congress and official correspondence, has been substituted throughout for "United States Naval Station, Tutuila", which was the form used in the beginning for officially designating these islands. The term "Governor" is employed to designate the chief executive instead of the term "Commandant", a commission as Governor having been received by the Commandant in 1905 and by each of his successors.

It will be seen that the written law of American Samoa deals with only a few subjects. Most of the questions arising have to be settled according to the principles of the Common Law, as generally administered in the United States, and subject to native customs and local needs.

ALEXANDER STRONACH.

APPROVED.

J. M. POYER,
Governor.

AMERICAN SAMOA,
April 17, 1917.

ORDER TO CODIFY REGULATIONS AND ORDERS FOR THE GOVERNMENT
OF AMERICAN SAMOA.

Be it ordered by the Governor of American Samoa, as follows :

That the American Judge of the District Court of American Samoa make, under the supervision of the Governor, a Codification of the Regulations and Orders in force in American Samoa, the provisions of which Codification shall come into force and take effect as shall be prescribed in Section 1 of this Codification.

Made September 13, 1915, by J. M. Poyer, Governor.

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CODIFICATION

OF THE

REGULATIONS AND ORDERS

FOR THE

GOVERNMENT OF AMERICAN SAMOA.



Sec. 1. PRELIMINARY PROVISIONS.

1. The provisions of this Codification, in so far as they are substantially the same as existing regulations and orders, are to be construed as continuations thereof and not as new enactments. All regulations and orders and the amendments thereto, heretofore enacted or made, and which are contained in this Codification, are to be deemed as having taken effect and come into force on and at the date of the original publication thereof or on and at the date especially provided in any such regulation or order or amendment thereto. All amendments made by this Codification shall take effect and come into force at twelve o'clock noon on the 17th day of April, 1917.

2. All regulations which are not contained in this Codification are hereby expressly repealed. All orders, which are not contained in this Codification and which conflict with any of the provisions thereof, are hereby expressly repealed. Orders, which are merely explanatory or which provide a method of carrying out in detail general provisions, are not repealed.

3. The term "Governor", used without a modifying or descriptive word or phrase in connection therewith, shall be construed to mean the Governor of American Samoa.

Enacted April 17, 1917, by J. M. Poyer, Governor.

Sec. 2. PROMULGATION OF LAWS.

1. The posting of any Law, Regulation, Order, or Notice at the Government Offices or any other public place, appointed by the Governor, shall be held a sufficient publication of said Law, Regulation, Order or Notice.

Regulation No. 1-1900, enacted April 24, 1900, by B. F. Tilley, Commander, U.S.N., Commandant.

Sec. 3. FORM OF GOVERNMENT.

1. The laws of the United States of America shall be considered to be in force in American Samoa subject, nevertheless, to the provisions of this Declaration and such laws and regulations as shall, from time to time, be promulgated by the Governor of American Samoa.

2. The customs of the Samoans, not in conflict with the laws of the United States concerning American Samoa, shall be preserved, unless otherwise requested by the representatives of the people.

3. The village, county, and district councils consisting of the hereditary chiefs and their faleupolu and, as to the Islands of Manu'a, the Tuimanu'a, his faatui and faipule, shall retain their own form or forms of meeting together to discuss affairs of the village, county, or district according to their own Samoan Custom. The county and district councils may recommend laws, which they deem expedient and necessary for the county or district, for enactment by the Governor, upon his approval. The village, county, and district councils shall be charged especially with the supervision of the cleanliness of their respective villages, counties, or districts, the planting of the lands by the people, the making and clearing of roads, and all matters of a local nature concerning their respective villages, counties or districts.

4. The Governor, for the time being, of American Samoa, is the head of the Government. He is the maker of all laws, and he shall make and control all appointments.

5. For purposes of local administration, the Islands of Tutuila and Aunu'u are divided into two Districts, viz: the District of Falelima East and the District of Falelima West. The three islands, forming the Manu'a Group, shall constitute one District to be known as the District of Manu'a.

6. There shall be in each District a Governor, to be appointed by the Governor of American Samoa, and to hold office during the pleasure of the Governor. The District Governor shall preside at the District Meetings of his District and, if the Governor or his special representative be present, then he shall preside at such meetings together with the Governor or his special representative. He shall obey the Governor and shall communicate with him upon all matters appertaining to his duties. He is responsible for the welfare and good order of the people of his District. He shall make provision for the collection of native taxes in his District. The District Governor may be removed from office by the Governor at any time for misconduct, disobedience, or neglect of duty and, in case of dismissal or demise or for any other cause incapacitating him for performing his duties, the Governor shall appoint another District Governor to act either permanently or provisionally. Upon taking office, the District Governor shall take and subscribe the oath of allegiance prescribed by law.

7. Each District shall be divided into Counties, and the Counties shall be defined, as near as possible, to embrace the village or villages with their adjoining lands comprised in each "faalupega" of the district. The hereditary chief or faatui of the county shall retain his position and shall preside at the county meetings. He shall act under the Governor of the District and shall communicate with him upon all matters concerning the county. He shall report all meetings of the county to the District Governor. He shall be a justice of the peace and may sit with the magistrate of any village in his county. The hereditary chief of the

county may be removed from office by the Governor, either directly or upon the request of a majority of the chiefs of his county, for misconduct, disobedience, or neglect of duty. And in case of removal, demise or for any other cause incapacitating him for performing his duties, the Governor shall, either directly or upon the recommendation of the members of the family of the county chief, appoint one of the members of the family of the said chief, and the member of the family so appointed shall succeed to the name and title of the deposed or otherwise incapacitated chief. Upon taking office, the chief of the county shall take and subscribe the oath of allegiance prescribed by law.

8. In each village of the District, a chief shall be appointed to hold office for the term of one year from the date of appointment. He shall be nominated by the village council from the rank of chiefs of the village, every year, and his nomination shall be referred by the council to the Governor of the District, who may or may not approve of the appointment. The District Governor shall report the nomination together with his report thereon to the Governor who may confirm or reject such nomination. The chief shall obey the Governor of his District. He shall be responsible for the good order of the village. He shall preside at the village meetings. He shall report all proceedings of village meetings to the Governor of the District and shall report also as to the order of the people of his village, the sanitary condition of the village, the state of the roads and all matters which the village council is required to attend to. He shall see that all district regulations are carried out and observed by the people of the village. In case of any dispute about the nomination of the chief of the village or in case the District Governor shall not approve of the nomination, or in case the Governor shall reject the nomination, the appointment of the chief shall be determined by the Governor and the chief appointed by the Governor shall be the chief of the village for the purposes of this regulation as if nominated by the village council. A chief may be removed from office by the Governor for neglect of duty, disobedience or misconduct. In case of removal, demise, or for any other cause incapacitating him for duty, the village council shall nominate from the rank of chiefs a successor to act for the remainder of the period of one year from the original appointment and he shall be appointed as herein provided. Upon taking office, the chief shall take and subscribe the oath of allegiance prescribed by law.

Judicial Administration.

1. The Judicial power of American Samoa, shall be vested in a High Court, District Courts, and Village Courts.

2. In each village there shall be a magistrate to be called "Village Magistrate" and in each district there shall be one or more judges to be styled "District Judges." The Governor or person, appointed by him as President of the High Court, shall preside over said Court.

3. All judges and magistrates shall be appointed by the Governor and shall hold Courts, as directed by the Governor. The office of Judge or Magistrate shall be permanent but the judge or magistrate may be removed or suspended from office by the Governor for misconduct. All judges and magistrates shall take the necessary oath of office upon appointment.

Village Courts.

1. The Village Court shall consist of one magistrate and shall be held not less than once every week in the Court House appointed by the Village Council.

2. On an emergency the magistrate may hold court at any time, or when anything occurs suddenly and requires to be dealt with at once.

3. The village magistrate shall have jurisdiction over :—

(a). All civil matters between natives when the amount in dispute does not exceed the sum of ten dollars, but he shall have no

jurisdiction in any matter concerning real property or rights affecting the same.

- (b). All crimes and offences committed by natives and not directed against foreigners, when the punishment which may be inflicted does not exceed a fine of ten dollars or imprisonment with hard labor for one month.

4. Any person, thinking himself wrongly judged in the Village Court, may appeal to the District Court of his District, but in such case notice of the intention to appeal must be made within 24 hours from the hour of the decision of the magistrate and in criminal matters, the magistrate shall then decide whether the prisoner be held in custody or released upon sufficient and satisfactory security to be brought up at the next District Court Sitting.

5. Any one guilty of disrespect to the Village Court or disobeying any order issued by the magistrate shall be liable to a penalty of not exceeding three dollars or to hard labor not exceeding 12 days.

District Courts.

1. The District Court shall be comprised of a Native District Judge and an American Judge and shall be held not less than once in every month, at such village or place, as may be recommended by the District Council and approved of by the Governor. If on the hearing of a cause, there is a difference of opinion between the American District Judge and the Native District Judge sitting with him, the opinion of the American District Judge shall prevail but this shall not preclude an appeal to the High Court.

2. The District Court shall have jurisdiction over :—

- (a). All civil matters between natives and foreigners, and between natives, when the amount in dispute exceeds the sum of ten dollars (\$10).
- (b). All civil matters between foreigners, when the amount in dispute does not exceed the sum of two hundred and fifty dollars (\$250).
- (c). All crimes and offences committed by natives when the punishment which may be inflicted exceeds a fine of ten dollars (\$10) or imprisonment with hard labor for one month, excepting charges of treason or for murder, such charges being under the jurisdiction of the High Court, and all crimes and offences committed by magistrates or judges shall be under the jurisdiction of the High Court.
- (d). All crimes and offences committed by foreigners when the punishment which may be inflicted does not exceed a fine of two hundred and fifty dollars (\$250) or imprisonment with hard labor for a term not exceeding six months.
- (e). All matters in which an appeal is taken from a village court.
- (f). District Court No. 1 shall have jurisdiction of all matters within the cognizance of probate courts, and the American District Judge shall be the probate judge.

3. This Court shall have no jurisdiction concerning real property or rights affecting the same.

4. This Court may cause to be apprehended and brought before it any person, within and subject to the jurisdiction of the Court, and charged with having committed a crime or offence triable by the Court, and may deal with the accused according to the jurisdiction of the Court, or where the crime is triable and is to be tried by the High Court, may take the preliminary examination and shall either commit the accused to take his trial at the next sitting of the High Court, with power to admit the accused to bail, if the charge is bailable, upon sufficient sureties being granted, or shall dismiss the accused.

5. This Court may at the discretion of the judges or either of them appoint assessors to assist the Court but without voice in the decisions.

6. Any person dissatisfied with the judgment of the District Court may appeal to the High Court upon such terms as may be imposed by the District Court, but he must inform the Court of his intention to appeal within 48 hours from the day of his judgment, and in criminal matters the Court shall then decide whether the prisoner be held in custody or sent to his own village under the supervision of the police, or released on bail, to be brought up at the next sitting of the High Court.

7. This Court shall be a Court of Record and a Court of law and equity and shall have a seal.

High Court.

1. The High Court shall consist of the Governor or some one designated by him, as President of the Court, two associate judges and in criminal cases, when deemed advisable, a prosecuting attorney, Any two of the judges may hold a Court, as may be directed by the Governor, and the powers and rights of the judges and the prosecuting attorney shall be defined by the Governor as the necessity of the case may require. The American District Judge shall be an associate judge of this Court, vested at all times, with the powers and duties of such judge.

2. The High Court shall be held at such place and time as the Governor may deem essential to the promotion of justice.

3. The High Court shall have a seal and shall be a superior Court of Record, and a Court of law and equity.

4. The Court shall continue and be competent to act notwithstanding any vacancy or vacancies therein.

5. The High Court shall have exclusive jurisdiction over :—

- (a). All civil suits concerning real property in American Samoa, and all rights affecting the same.
- (b). All civil suits between foreigners, when the amount in dispute exceeds the sum of two hundred and fifty dollars (\$250).
- (c). All crimes and offences committed by foreigners, when the penalty which may be inflicted, exceeds a fine of two hundred and fifty dollars (\$250) or imprisonment with hard labor for a term exceeding six months.
- (d). All charges of treason or for murder.
- (e). All crimes and offenses committed by judges or magistrates.
- (f). All judicial jurisdiction exerciseable within the limits of American Samoa, not heretofore provided for.

6. The High Court shall be an Appellate Court for all matters arising from the District Court.

Procedure.

1. The civil and criminal procedure, exerciseable under this Declaration, shall be exercised upon the principles of and in conformity with the substance of the law for the time being in force in the United States of America and in American Samoa, and with the powers vested in and according to the course of procedure and practice, observed by and before the Courts of Justice of the United States.

Secretary of Native Affairs.

1. There shall be an officer appointed to be styled "Chief Secretary of Native Affairs."

2. His duties shall be :—

- (a). To act as secretary to the Governor.
- (b). To have supervision over and inspect all work of District Gov-

ernors and chiefs, judges and magistrates, and he shall make regular reports thereon to the Governor.

- (c). He shall act under the instructions of the Governor, and shall take the oath prescribed by law upon taking office.

General.

1. The appointment of any officer shall not be affected by any vacancy or change in the office of Governor.

2. The Governor may from time to time, by writing under his hand and seal, appoint an Assistant Governor to represent him in the exercise of any of his powers, or during his absence from American Samoa, with or without any limitations or conditions, and the Assistant Governor, so appointed, shall for the purposes for which he is appointed, have and exercise the powers of the Governor. Any such appointment may be revoked by the Governor by writing under his hand and seal. The appointment of an Assistant Governor shall not limit or affect any power or jurisdiction of the Governor.

Regulation No. 5-1900, enacted May 1, 1900 by B. F. Tilley, Commander, U.S.N., Commandant. Amended by Regulation No. 8-1907, enacted September 11, 1907 by C. B. T. Moore, Commander, U.S.N., Governor, and by Regulation No. 12-1914, enacted June 29, 1914 by C. D. Stearns, Commander, U.S.N., Governor.

Sec. 4. INSTRUCTIONS CONCERNING APPOINTED CHIEFS.

(Translated from the original in the Samoan Language.)

In order that appointed chiefs may be enabled to understand definitely the work concerning their office, it is advised and ordered by the Governor of American Samoa, as follows :—

District Governors shall make copies of these instructions, and shall forward them to each County Chief of their District, who shall transmit these instructions to each Village Chief of the counties.

1. These orders shall be construed and read with the instructions written in Section 3 of this Codification, being the Form of Government, concerning the work of appointed chiefs.

2. The Village Chief is charged with the guardianship of the village over which he is appointed to rule. He shall convene the village council; he shall also preside at the council meetings when the chief and his councilors assemble; he shall watch that the people dwell peaceably and obey continuously the laws, and that all people show respect towards the Government.

3. All chiefs and heads of families may sit together at the village council; they shall discuss together the measures pointed out by the Village Chief for them to deliberate upon :

- (a). All present at the meetings may speak before the council.
- (b). If any person causes any trouble in the meeting, if also there is any dispute as to who shall speak first, then the presiding chief shall direct and name the one who may speak first, and he shall point out the times when his councilors may speak.
- (c). All persons attending the meeting must obey the chairman in matters concerning the council. If any one is disobedient, and is not orderly at the meeting, or does not show respect to the rulings of the chairman, but is turbulent or obstinate, the chairman may order the disturber to leave the council meeting. If he who is obstinate is still disobedient, then the chairman shall call a policeman to take the disrespectful chief or head of family before the village magistrate, that he may be tried and punished according to law upon conviction before the magistrate.

4. The chief and his councilors, when assembled in the village, may enact village regulations concerning roads, the cleanliness of houses and land, concerning plantations, boats, cook-houses, abusive language in roads, quarrels of people, concerning animals or any other matter which should be regulated for the benefit and protection of the people. The chief and his councilors will be entitled to direct and write in the laws they enact the extent of the penalty the magistrate may inflict upon the transgressor against the village laws, if the magistrate is convinced of the transgression.

5. Regulations enacted by the village council shall not come into force until they are written and proclaimed publicly by the Village Chief.

6. When regulations are passed by the village council, and the council prescribes the extent of the penalty that the magistrate may inflict upon any offender upon conviction, the council must not exceed a penalty of ten dollars (\$10), or exceed a punishment of imprisonment, with hard labor, for a term of thirty days, because the village magistrate has no authority to inflict heavier punishments than above written.

7. If any village regulation enacted, should be in conflict with the general law of the Government, the village regulation shall be put aside and the law of the Government shall be maintained.

8. The chief and his councilors shall make laws, but it is strictly prohibited for them to inflict punishment upon an offender; only the magistrates can punish a village law-breaker. The degree of punishment is in the discretion of the magistrate, but he must not exceed the punishment provided in the regulations.

9. If any chief is oppressive, or attempts to inflict punishment himself, then the person aggrieved can complain before the magistrate that the chief may be tried and punished according to law.

10. If any one informs the chief and his councilors that an offence has been committed by some one unknown, or the whereabouts of an offender is unknown, then the chief and his councilors shall make an investigation according to Samoan custom. When the chief and his councilors discover a culprit, the chief shall take him before the magistrate for trial according to law. The magistrate alone shall inflict a penalty upon the offender according to his offence.

11. Village chiefs, who have collected fines or costs, imposed by them as punishment for offences must make repayment to the persons aggrieved.

12. The Village Chief shall record in a book all matters discussed by the village council in all meetings, and he shall write down occurrences of the village. Each chief shall report the resolutions passed at meetings, and also his general work, to the County Chief, who shall send the reports to the District Governor of his District, and then all reports and regulations shall be transmitted to the Governor through the Secretary of Native Affairs.

13. Should any Village Chief require paper or other material for his office, he shall communicate with the Secretary of Native Affairs.

14. All laws now existing in the villages must be written in each village; each chief shall also make copies of the laws and forward them to the County Chief. He shall do likewise with all laws enacted in the future. When the County Chief shall receive those writings, he shall forthwith transmit them to the District Governor, who shall forward them or copies thereof to the Secretary of Native Affairs, that they may be placed with the Governor.

15. The village chief shall have the custody of prisoners, committed to prison by order of the magistrate. He shall hold the prisoners until he receives advice from the magistrate directing the chief to set the prisoner at liberty, or advising him to hand over the prisoner to a policeman, to be brought again before the Court.

16. Any person who disregards this regulation shall be punished according to the discretion of the Governor.

Regulation No. 12-1900, enacted July 23, 1900, by B. F. Tilley, Commander, U.S.N., Commandant.

Sec. 5. INSTRUCTIONS TO MAGISTRATES.

(Translated from the original in the Samoan Language.)

1. The District Judges shall, within the limits of their respective jurisdiction, explain to and instruct the Village Magistrates concerning judicial work.

2. The Village Magistrates shall listen to the advice of the District Judges, and shall carry out all instructions given by the District Judges.

3. It shall not be lawful for a magistrate to try a charge made against another magistrate, for the High Court alone can adjudicate in matters concerning magistrates.

4. When Village Magistrates require stationery for their office, they must make a requisition to the Secretary of Native Affairs.

5. All Village Magistrates shall keep a record of all cases heard by them in each month. They shall transmit all papers and documents concerning trials and their reports and all returns to the High Court.

6. When the Village Magistrates forward their returns to the High Court, they shall also take the money obtained from all fines and costs of court to the High Court.

7. When the High Court, after examination, has passed satisfactorily on all cases heard by the Village Magistrate, and the cash returns are found to be correct, then the money so paid in shall be paid out to the magistrates, clerks, and police.

8. It is forbidden for any magistrate, clerk or policeman to retain any money, collected by him as such. This money is to be distributed by the direction of the High Court and such officials can receive their proper part thereof, only from the High Court.

9. All criminal complaints shall be received by the magistrates free of cost, but in all civil matters the complainant shall deposit the sum of one dollar to show the good faith of his complaint. It shall be in the discretion of the magistrate whether this sum shall be returned or not.

10. Any person who disregards this regulation shall be liable to punishment in the discretion of the Governor.

Regulation No. 13-1900, enacted August 1, 1900, by B. F. Tilley, Commander, U.S.N., Commandant.

Sec. 6. INSTRUCTIONS CONCERNING POLICE.

(Translated from the original in the Samoan Language.)

1. All police who are appointed to perform duties in American Samoa, shall be styled "Government Police."

2. The Village Chief shall have charge of the police, and shall control those appointed for duty in his village, and he shall also from day to day, according to the requirements of the Government, direct each policeman in his work.

3. On each day the Village Chief shall appoint a policeman to do duty in the Village Court, and he shall perform the duties required by the Village Magistrate.

4. The number of police in each village within American Samoa, be they more or less, shall be controlled by the Governor according to his discretion. No person may be appointed a policeman until the Governor has given his consent.

5. Any person acting as a policeman, without due appointment, shall, upon conviction, be subject to imprisonment for a term not exceeding six (6) months, or to fine not exceeding the sum of one hundred dollars (\$100).

6. All police are hereby ordered to obey the Village Chiefs and Magistrates. They shall be attentive in properly inspecting the roads of the village and the district, and they shall require obedience, by all people, of village regulations or general laws of the country. The police, in the execution of their duty, shall be protected by the Government.

7. When a policeman discovers an offender against the law in the act of committing an offence, such offender shall be arrested by him, and the policeman shall convey the accused before the Village Magistrate to be dealt with, but in all other cases the policeman may arrest an accused person only upon a warrant issued by a magistrate.

8. Any policeman when on duty must wear the uniform prescribed by the Governor, from time to time.

9. The Village Chief shall keep a record of all work performed by the police daily, and the record may be written up by a policeman, as instructed by the Village Chief, if the Chief cannot write.

10. If a policeman disobeys the Village Chief or the Village Magistrate, or should he absent himself from his place without the consent of the Village Chief, or should he fail to be prompt in attendance at the time appointed, then the Village Chief shall hold such policeman, acting thus, and shall report at once to the County Chief that the same report may be forwarded to the Governor, in the manner that all reports reach the Governor, and the Village Chief shall await the orders of the Governor regarding the erring policeman.

11. It is strictly forbidden for a policeman to receive any money or present from any transgressor of the law for the purpose of concealing the offence; should any policeman do so he shall be tried, and, on conviction, be subject to a term of imprisonment not exceeding two years, with or without hard labor, in the discretion of the Court.

12. This Regulation, except sub-sections 4, 5, 7, 8 and 11, shall not extend to the police appointed as orderlies for the District Governors, or County Chiefs, or District Judges in American Samoa.

Regulation No. 14-1900, enacted August 4, 1900, by B. F. Tilley, Commander, U.S.N., Commandant.

Sec. 7. OATH OF ALLEGIANCE AND JUDICIAL OATH.

1. All person holding official appointments in American Samoa, shall, upon or before assuming the duties of office, take and subscribe the oath of allegiance in the form hereunder prescribed, and if any person refuses to take and subscribe the same he shall be disqualified from entering upon the duties of his office.

Form of Oath of Allegiance.

I,, of, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, and I will well and faithfully uphold the laws of the United States concerning American Samoa. So help me God.

2. The oath which shall be required to be taken and subscribed by judges and magistrates, in addition to the oath of allegiance, shall be styled the "Judicial Oath", and shall be in the form following, that is to say:

I,, of....., swear, (or affirm), in the presence of God, that I will perform righteously and truly with impartiality my work as a justice, in accordance with the Constitution of the United States and laws of American Samoa.

3. The oath of allegiance and the judicial oath must be taken before the Governor of American Samoa, or his duly accredited representative, or a district judge specially authorized to administer these oaths.

Regulation No 6-1900, enacted May 1, 1900, by B. F. Tilley, Commander, U.S.N., Commandant.

Sec. 8. PAY OF NATIVE JUDICIAL OFFICIALS.

The remuneration of Native Officials, employed in the Judicial Department, shall be as follows:—

1. Village Courts.

Forty per cent of the amount of fines and costs collected shall be paid to the Magistrate, but in no case shall the amount exceed the sum of Six Dollars per month.

Thirty per cent of the amount of the fines and costs collected shall be paid to the Clerk of the Court, but in no case shall the amount exceed the sum of Five Dollars per month.

Twenty per cent of the amount of fines and costs collected shall be paid to the police attending the Court, but in no case shall the amount exceed the sum of Three Dollars per month.

Ten per cent of the amount of fines and costs collected shall be paid into the District Court.

When the fines and costs paid in exceed the amount required for payment as above provided, such excess shall be placed to the credit of the High Court and shall be paid out, upon the approval of the Governor, for any necessary expenses of the Judicial Department.

2. District Courts.

Thirty per cent of the amount of fines and costs collected shall be paid to the Clerk of the Court, but in no case shall the amount exceed the sum of Fifteen Dollars per month.

Twenty per cent of the amount of fines and costs collected shall be paid to the Marshal of the Court, but in no case shall the amount exceed the sum of Ten Dollars per month.

Fifteen per cent of the amount of fines and costs collected shall be paid to the police attending the Court, but in no case shall the amount exceed the sum of Seven and one-half Dollars per month.

Thirty five per cent of the amount of fines and costs collected shall be paid to the High Court.

The foregoing shall not apply to the Clerk and Marshal of District Court No. 5., Manu'a; the Clerk receiving Ten Dollars and the Marshal Five Dollars monthly salary from the Island Funds.

3. High Court.

The Native Clerk shall receive the sum of Twenty Dollars per month.

The Native Marshal shall receive the sum of Ten Dollars per month.

A Native Judge, sitting as an Associate Judge in any cause or proceeding, when absent from his own District, shall receive an allowance of One Dollar per day.

The Foreign Officials and Interpreter of the Court shall not receive any fees.

Regulation No. 13-1907, enacted December 9, 1907, by P. B. Dungan, Lieutenant, U.S.N., Acting Governor.

Sec. 9. ASSESSMENT AND COLLECTION OF NATIVE TAXES.

1. The Governor shall annually, and before the close of the month of November in each year, assess the amount of tax to be paid by each District, within American Samoa, during the ensuing year.

2. All taxes shall be paid out of the proceeds of the sale of native produce, to be raised at such time and in such manner as may subsequently be prescribed by law.

3. There shall be in each District a Board of Assessors, consisting of the Secretary of Native Affairs, the Governor of the District, and the County Chiefs of the District.

4. Such Board shall assess the amount and description of produce to be supplied by the people of each village, the sale of which, at prices to be fixed by Public Tender, will realize the sum at which the District has been assessed by the Governor.

5. The Secretary of Native Affairs shall call, in each year, for Public Tenders for the purchase of the produce, raised for the purposes of this Regulation, and any question as to the acceptance or non-acceptance of any Tender by the Secretary of Native Affairs shall be referred to the Governor for final determination.

6. Such produce shall be raised or collected, in such manner and at such places, in the respective Districts, as the said Board, with the approval of the Governor, may from time to time appoint and direct; due regard being had to the local circumstances of such Districts.

7. It shall be lawful for the Governor to remit the whole or any part of the assessments made in any year, and he may also, and upon the request of the Board of Assessors, permit the payment of taxes in cash, or in any other such mode, as may be recommended by the said Board.

8. Every objection made to such assessment or direction, whether made by any member of the Board of Assessors or the inhabitants of any District, County, or Village assessed, shall be considered and determined by the Governor so soon as may be, after being informed thereof.

9. In case any inhabitant of any District shall fail, after thirty days notice, to pay the tax assessed in the manner directed by the Board of Assessors, the Magistrate having jurisdiction of the village in which the defaulter resides, shall, on being so required by the Board of Assessors, issue process for collecting the amount, with costs, by distress and sale, of the goods and chattels of the person by whom such assessment shall be due; but if it shall be proved to the satisfaction of the Magistrate, that the defaulting taxpayer does not possess any goods or chattels, or is unable to pay, then the Magistrate shall forthwith refer the matter to the local District Court, and the District Court shall give such directions as to further proceedings to be taken to enforce payment of such taxes, in arrear, as may in the discretion of the Court seem just and expedient.

10. All fees payable to the Board of Assessors for services rendered under this Regulation, and all persons employed in collecting the taxes, shall be paid out of the Native Taxes raised under this Regulation, on the order of the Governor.

Regulation No. 21-1900, enacted....., 1900, by B. F. Tilley, Commander, U.S.N., Commandant.

Sec. 10. TIME WHEN TAXES DUE AND PENALTY FOR NON-PAYMENT.

1. All taxes due by the people of American Samoa, under the preceding section, must be paid on or before the 30th day of April in each year.

2. If any taxpayer shall fail to pay the tax assessed under said section, as herein ordered in any year, then twenty-five per cent (25 0/0) of the amount of the tax shall be added to the tax and paid by the taxpayer, and if the tax with the said amount of twenty-five per cent added be not paid on or before the first day of June following, then fifty per cent (50 0/0) of the tax shall be added to the tax and paid by the taxpayer.

3. All moneys, paid through default in paying taxes upon the date when due, shall be paid into the Island Treasury and shall be expended upon the order of the Governor for any public works or other public purpose in American Samoa. No credit whatsoever shall be given to any village, county or district for any such additional payments of taxes as penalties, nor shall any such sums so assessed as penalties be reckoned in the surplus of any village, county or district.

4. This Regulation shall be read and construed with the preceding section.

Regulation No. 10-1907, enacted November 4, 1907, by C. B. T. Moore, Commander, U.S.N., Governor.

Sec. 11. TAXATION OF VISITORS.

The following agreement, concerning the taxation of visitors, having been entered into between the Governor of Upolu, Savaii and adjacent islands (known at the time of the original enactment of this Regulation as German Samoa) and the Governor of American Samoa, is hereby promulgated and declared to be a law :—

1. Natives of Upolu, Savaii and adjacent islands (known at the time of the original enactment of this Regulation as German Samoa) and of American Samoa will be subject to taxation in the country in which they may be residing at the time, if their stay therein has lasted for a longer period than six months.

2. No native may leave his country before he has paid his taxes for the current year, or has provided security therefor.

3. Before leaving his country, he must procure a certificate from the proper government official, showing that his taxes for the current year have been paid or guaranteed.

4. The Customs authorities will note on his travel pass the date of his arrival, register it and return the travel pass to the traveler, together with the certificate hereinbefore required.

At the beginning of the return trip to his home, the traveler, must show his travel pass and the certificate that his taxes have been paid. If his stay has lasted six months or less, his return will be permitted without the payment of taxes. If his stay has lasted longer than six months, he will be taxed according to the laws of the country in which he may be residing at the time of his contemplated departure.

6. Natives who return to their homes after an absence of six months, and who cannot produce a certificate showing that taxes have been paid in the country from which they are returning, will be liable for all taxes as though they had not been absent.

To enforce the provisions of the foregoing agreement, the following penalties are hereby provided : Any person committing any breach of the foregoing Regulation, or aiding or abetting any person to commit a breach of the foregoing Regulation, or any person altering in any way any travel pass or certificate, or

any person falsely impersonating or attempting to falsely impersonate any person named in any travel pass or certificate, shall, upon conviction, be punished by a fine not to exceed one hundred dollars (\$100), or by imprisonment not to exceed six months, with or without hard labor as the Court may order, or by both fine and imprisonment, within the above limits, in the discretion of the Court.

Regulation No. 3-1912, enacted July 19, 1912, by W. M. Crose, Commander, U.S.N., Governor.

Sec. 12. LEGAL TENDER.

1. The currency of the United States of America, at its face value, shall be the only legal tender, in American Samoa, for the payment of all debts, dues and obligations, both public and private.

2. All checks drawn on the Island Treasurer, by the Government, are negotiable at par, but no person will be compelled to accept such checks as legal tender. In case any person shall accept any check in payment of a debt or in exchange for cash, it shall be unlawful for the person receiving the check to pay out cash or give credit for any debt, in any sum less than the actual face value of the check.

3. Any person discounting, charging exchange or any fee for cashing a Government check, within the limits of American Samoa, shall, upon conviction, be liable for the first offence to pay a fine of not less than the whole value of the check so cashed or credited, and not to exceed the sum of Fifty Dollars (\$50), and for any subsequent offence to pay a fine of not less than Ten Dollars (\$10), or in case the check shall be of a greater face value than Ten Dollars, then not less than the whole value of the check so cashed or credited and not to exceed the sum of One Hundred Dollars (\$100).

Regulation No. 3-1905, enacted May 3, 1905, by C. B. T. Moore, Commander, U.S.N., Commandant. Amended by Regulation No. 10-1906, enacted November 27, 1906, by C. B. T. Moore, Commander, U.S.N., Governor.

Sec. 13. COPRA RECEIPTS.

1. All receipts for copra, issued by any duly authorized clerk in the employ of the Government, may hereafter, be transferred by the party in whose favor the copra is weighed. In case any person shall accept any copra receipt in payment of a debt, or in exchange for cash, or for goods, it shall be unlawful for the person receiving the receipt to pay out in cash, or give credit or goods, in any sum less than the value of the copra receipt as established, from time to time, by public notice from the Secretary of Native Affairs.

2. In receiving copra receipts from any person, the receiver must see that the copra receipt is properly endorsed by the person in whose favor the receipt is given, and, also, that it is properly signed and endorsed by subsequent endorsers.

3. Any person discounting, charging exchange, or any fee for cashing a copra receipt, or who shall not allow the full authorized value thereof in credit or in goods to the endorser, shall, upon conviction, be liable, for the first offence, to pay a fine of not less than the whole value of the copra receipt so cashed, credited for debt or received in exchange for goods, and not to exceed the sum of Fifty Dollars (\$50); and for any subsequent offence to pay a fine of not less than Ten Dollars (\$10); or, in case the receipt shall call

for a greater face value than Ten Dollars, then not less than the whole value of the receipt so cashed, credited for debt or received in exchange for goods, and not to exceed the sum of One Hundred Dollars (\$100).

Regulation No. 10-1906, enacted November 27, 1906, by C. B. T. Moore, Commander, U.S.N., Governor.

Sec. 14. INTEREST.

1. The limit to the amount of interest which any person may lawfully contract to pay shall not exceed the rate of Twelve Dollars (\$12) for the interest on One Hundred Dollars (\$100), for one year.

2. In all cases when interest may be lawfully recovered or allowed, but where the rate of such interest has not been previously agreed upon by or between the parties, the party entitled to interest shall not be allowed to recover or receive above the rate of Eight Dollars for the interest on One Hundred Dollars for a year.

Regulation No. 9-1906, enacted November 24, 1906, by C. B. T. Moore, Commander, U.S.N., Governor.

Sec. 15. CUSTOMS DUTIES.

1. "Governor" shall mean and include the Governor of American Samoa or his representative, or any person acting under his special and written authority.

"Customs Officer" shall mean and include any person or officer, for the time being appointed by the Governor.

"Vessel" shall mean and include anything made or used to carry by water or to have, hold or contain, on water, any human being or any goods or property whatsoever.

"Goods" shall mean and include any animal, boat, or any movable property of any kind whatsoever.

"Foreign" shall mean any and every place beyond the waters of American Samoa.

"Master" shall mean any person (except a pilot) having charge of any vessel.

"Dutiable Goods" shall mean and include all goods subject to the payment of duty and on which duty has not yet been paid.

2. All vessels arriving from and departing to foreign ports, and vessels trading within the waters of American Samoa, must enter and clear at the Custom House in Pago Pago, on arrival and departure, every trip, and for the purposes of this Regulation, Pago Pago Harbor shall be and the same is hereby declared the only Port of Entry for American Samoa.

3. The master of any vessel, arriving in the waters of American Samoa, shall not anchor his vessel at any place nor delay unnecessarily after having entered the waters thereof, until he has arrived and anchored at the Harbor of Pago Pago and entered his vessel as required.

4. The master of any vessel, arriving from a foreign port, shall immediately upon arrival or upon the boarding of his vessel by a Customs Officer produce to the Customs Officer all documents concerning the cargo shipped by the vessel; he shall also furnish the Customs Officer with a list of ship's stores, and allow him free access to all compartments of the vessel or any article on board; he shall not land or tranship any goods from his vessel, until vessel and cargo have been sufficiently examined, and he has obtained a certificate enabling him to discharge or tranship the goods.

5. The master of any vessel, trading within the waters of American Samoa, shall keep a cargo book and enter therein an account of all passengers embarking

and disembarking, a full description of all goods taken on board and where and when discharged and the names of all places called at during the voyage. Such book shall be produced to the Customs Officer, at the Port of Pago Pago, at the commencement or completion of any voyage and to any regularly appointed chief of any village, on request, and such book shall, when filled, be delivered to the Customs Officer at Pago Pago. The master shall not land any goods at any place, unless he has received a certificate from the Customs Officer, authorising him to land the same at such place where the goods are intended to be landed, and such certificate shall be exhibited and produced for inspection to any chief or Customs Officer, upon demand so to do.

6. The receiver of any goods shall, not later than twenty-four (24) hours after the arrival of any vessel, hand to the Customs Officer, in duplicate, a complete list of goods received by him or to be received by him stating correctly also the kind and quantity and, in the case of goods not subject to specific duties, the purchase price, as shown by the invoices, and the amount of freight paid or to be paid on them from the place of the purchase to the Port of Pago Pago. The Customs Officer shall require the receiver of goods to make a declaration concerning the truth of the statement.

7. There shall be levied, collected and paid upon all articles imported into American Samoa, from foreign countries, and mentioned in the schedule herein contained, the rates of duty which are by this schedule prescribed; viz:—

Duties upon Enumerated Articles.

Tobacco.

Tobacco, manufactured or unmanufactured, 25c per pound.

Snuff, and Snuff Flour, manufactured of tobacco, ground dry, or damp, and pickled, scented, or otherwise, of all descriptions, 25c per pound.

Cigars, 30c per hundred.

Cheroots, 30c per hundred.

Cigarettes, 10c per hundred.

Spirits, Wines, and other Beverages.

Brandy, Whisky, Gin, and other Spirits, manufactured or distilled from grain or other materials, \$2.50 per proof gallon.

On all Compounds or Preparations of which distilled spirits are a component part of chief value, there shall be levied a duty of not less than that imposed upon distilled spirits.

Cordials, Liqueurs, Arrack, Kirschwasser, Kavaschnapps, Ratafia and other Spirituous Beverages or Bitters of all kinds, containing spirits, \$2.50 per proof gallon.

No lower rate or amount of duty shall be levied, collected, and paid on Brandy, Spirits and other Spirituous Beverages than that fixed by law for the description of first-proof; but it shall be increased in proportion for any greater strength than the strength of first-proof, and all imitations of Brandy, Spirits or Wine, imported by any names whatever, shall be subject to the highest rate of duty provided for the genuine articles.

Bay-Rum or Bay-Water, whether distilled or compounded, of first-proof, and in proportion for any greater strength than the strength of first-proof, \$2.50 per gallon.

Champagne and all other Sparkling Wines, in bottles containing each not more than one quart and more than one pint, \$3.00 per dozen; containing not more than one pint each and more than one-half pint, \$1.50 per dozen; containing one-half pint each or less, 75c per dozen; in bottles or other vessels, containing more than one quart each, in addition to \$3.00 per dozen bottles, on the quantity

in excess of one quart, at the rate of \$1.00 per gallon, but no separate or additional duty shall be levied on the bottles.

Still Wines, including Ginger Wine or Ginger Cordial, and Vermuth, in casks or packages, other than bottles or jugs, if containing 14 per cent or less of absolute alcohol, 40c per gallon; if containing more than 14 per cent of absolute alcohol, 60c per gallon; in bottles or jugs, per case of one dozen bottles or jugs, containing each not more than one quart and more than one pint, \$1.20 per case, and any excess beyond these quantities found in such bottles or jugs, shall be subject to a duty of five cents (5c) per pint or fractional part thereof, but no separate or additional duty shall be assessed on the bottles or jugs: *Provided*, that any Wines, Ginger Cordial, or Vermuth imported, containing more than 24 per cent of alcohol, shall be classed as Spirits, and pay duty accordingly: *Provided*, further, that there shall be no constructive or other allowance for breakage, leakage, or damage on wines, liqueurs, cordials, or distilled spirits. The percentage of alcohol in wines and fruit juices shall be determined in such manner as the Governor shall, by Regulation, prescribe.

Ale, Porter, and Beer, in bottles, or jugs, 25c per gallon. but no separate or additional duty shall be assessed on the bottles or jugs; otherwise than in bottles or jugs, 20c per gallon.

Malt Extract, fluid, in casks, 20c per gallon; in bottles or jugs, 40c per gallon; solid or condensed, 40 per cent ad valorem.

Cherry Juice and Prune Juice, or Prune Wine, and other Fruit Juices, containing no alcohol, or not more than 14 per cent of alcohol, 40c per gallon; above 14 per cent alcohol, 60c per gallon; if containing more than 24 per cent of alcohol, to be classed as Spirits, and pay duty accordingly.

Ginger Ale, Ginger Beer, Lemonade, Soda Water, and all Mineral Waters and all imitations of Natural Mineral Waters, and all Artificial Mineral Waters, and other similar beverages, containing no alcohol, in glass bottles, containing each not more than three-fourths of a pint, 12c per dozen; containing more than three-fourths of a pint each, and not more than one-and-one-half pints, 20c per dozen; bottles containing more than one-and-one-half pints each, 10c per gallon, but no separate or additional duty shall be assessed on the bottles.

Jewelry and Precious Stones.

Articles commonly known as Jewelry, and parts thereof, finished or unfinished, such as Precious Stones set, Pearls set or strung, and Cameos in frames, 60 per cent ad valorem.

Diamonds and other precious stones, advanced in condition or value from their natural state by cleaving, splitting, cutting, or other process, and not set, 15 per cent ad valorem; imitations of diamonds or other precious stones, composed of glass or paste, not exceeding an inch in dimensions, not engraved, painted or otherwise ornamented or decorated, and not mounted or set, 20 per cent ad valorem.

Pearls in their natural state, not strung or set, 15 per cent ad valorem.

Perfumery.

All Perfumery, including cologne water, and other toilet waters, and toilet preparations of all kinds, containing alcohol and alcoholic compounds, or in the preparation of which alcohol is used, in bottles of eight ounces or less, 15 per cent ad valorem; if in bottles of more than eight ounces, \$2.50 per gallon.

Medicinal Preparations.

Medicinal Preparations, containing alcohol, or in the preparation of which alcohol is used, \$2.50 per gallon.

Firearms, Ammunition, Etc.

Firearms, Ammunition, etc., will be governed as per Section 18 of this Codification.

Free - List.

The following articles will be admitted free of duty :—

- (1). Fresh Beef, Mutton, Poultry and Game.
- (2). Fresh Fish.
- (3). Fresh Vegetables.
- (4). Fresh Fruit.
- (5). Ice.
- (6). Live Animals and Birds.
- (7). Seeds, Plants, Bulbs and Cuttings.
- (8). Wearing Apparel, Articles of Personal Adornment, Toilet Articles, etc., of persons arriving, for their own use and not for sale.
- (9). Printed Books, Magazines and Newspapers.

Duties upon Articles not Enumerated.

There shall be levied on all goods, imported from any country outside of American Samoa, not specified under the heads of Duties upon Enumerated Articles or the Free-List, an ad valorem duty of fifteen per cent (15%o). In computing all ad valorem duties, freight charges from the shipping point, but not fumigation, handling or other overhead charges shall be included.

8. The United States Naval Station, Tutuila, is entirely distinct from the Island Government in the matter of Customs Duties, and all imports into the United States Naval Station, Tutuila, for the use of residents within said Station and not for sale, are exempt from duty.

9. If it shall appear at any time to the Customs Officer that merchandise or goods, exceeding in value the sum of one hundred dollars (\$100) in any one shipment, have been or are being imported into American Samoa from foreign countries for the purpose of transshipment or exportation to any port or place in the United States of America, its insular possessions, territories or dependencies, he shall refuse to issue the necessary certificate enabling the shipper or exporter to enter such articles free of duty into the United States of America, its insular possessions, territories or dependencies, unless the shipper or exporter pay to the Customs Officer in Pago Pago an additional duty on such articles amounting in the whole, including the duty already paid, to a sum not exceeding the amount of duty leviable or assessable on such articles in the United States of America, its insular possessions, territories or dependencies.

10. Any master of any vessel or any person engaged in the importation of dutiable goods committing a breach of, or attempting to commit a breach of any of the foregoing provisions, and all persons aiding and abetting such master or person, upon conviction, shall be fined not exceeding Two Hundred Dollars (\$200); or, in the case of articles smuggled, or attempted to be smuggled, may, in the discretion of the Court, be fined not less than three times the lawful duty chargeable on said articles, and in default of payment of any fine imposed, shall be imprisoned for a term not exceeding Six (6) Months, with or without hard labor, in the discretion of the Court; and all goods or vessels being in anywise connected with any breach, or attempted breach, of any of the foregoing provisions, may be seized by the Customs Officer, and may be declared forfeited by the Court for the benefit of the Government. The forfeited goods or vessel may, upon the order of the Court, be sold at public auction at such time and place as the Court shall order.

11. The following fees shall be paid by exporters of goods or masters of vessels :—

Receiving manifest	\$0.25
Granting clearance of foreign going vessel	\$0.50
Making entry of vessel from foreign ports	\$0.50
Granting clearance of vessel to go to any place in American Samoa	\$0.25
Making entry of vessel from any place in American Samoa	\$0.25
Bill of Health for vessel	\$0.25
Certificate of native products or actual importations into American Samoa, exported to the United States of America or its Insular Possessions	\$2.50

Regulation No. 2-1900, enacted April 24, 1900, by B. F. Tilley, Commander, U.S.N., Commandant. Amended by Regulation No. 6-1902, enacted October 15, 1902, by U. Sebree, Captain, U.S.N., Commandant; by Regulation No. 1-1906, enacted April 9, 1906, by C. B. T. Moore, Commander, U.S.N., Governor; by Regulation No. 3-1907, enacted February 2, 1907, by W. G. Briggs, Lieutenant, U.S.N., Acting Governor; by Regulation No. 2-1910, enacted February 9, 1910, by Jno. F. Parker, Captain, U.S.N., Retired, Governor; by Regulation No. 2-1913, enacted November 1, 1913, by C. D. Stearns, Commander, U.S.N., Governor; and by Regulation No. 3-1913, enacted November 10, 1913, by C. D. Stearns, Commander, U.S.N., Governor.

Sec. 16. CUSTOMS WAREHOUSE AND HANDLING CHARGES.

1. All cargo, freight or other imports, arriving in any vessel and destined or consigned to any place in American Samoa, shall be landed and taken into custody by the Customs Officer and removed to a suitable warehouse or other suitable place to be examined and assorted, and to be delivered by said Customs Officer to the consignee, as hereinafter provided. As hereinafter specified, in special cases, for the convenience of handling heavy or bulky cargo permits may be issued to transfer said cargo from one vessel to another alongside the dock. This transfer shall in no way affect the charges due on such cargo.

2. The Customs Officer shall provide a safe and suitable warehouse for the reception of imports, and it shall be the duty of said Customs Officer to cause to be removed all cargo, freight or other imports as aforesaid to said warehouse or other suitable place, in the manner hereinafter specified.

3. The Master of every vessel, arriving within the territorial limits of American Samoa, shall deliver to the Customs Officer all freight, cargo or other imports, destined or consigned to any place in American Samoa, and shall not deliver the same to any person without a special permit signed by said Customs Officer.

4. The handling of all cargo and freight, received in or shipped from American Samoa, shall be done by the Customs Department, and the charges provided in sub-sections, 7 and 8 paid for such handling, except when cargo or freight is transferred from one vessel to another in midstream.

5. The consignee or receiver of cargo, freight or other imports, shall pay all duties and charges that may be due on same before delivery, and shall furnish satisfactory evidence to the Customs Officer that all freight charges have been paid, or he shall present an order from the agent of the vessel, carrying such freight, cargo or other imports, requesting delivery.

6. Importers' private bonded warehouses and hulks may be allowed under such Regulations as may be prescribed by the Customs Officer and approved by the Governor. Such warehouses shall be used only for the storage of imported merchandise, owned by the proprietors of such bonded warehouses or hulks.

7. The following charges shall be made and collected prior to delivery in addition to duties or charges which may be due upon imported merchandise:

Cargo consigned to American Samoa \$1.00 per shipping ton.

Cargo consigned to American Samoa and reshipped, \$1.00 per shipping ton in and \$1.00 per shipping ton out.

Cargo arriving in American Samoa consigned to other ports, if landed and reshipped, \$1.00 per shipping ton in and \$1.00 per shipping ton out. If transferred from one vessel to another alongside the dock \$0.50 per shipping ton.

Minimum charge \$0.25

Demurrage charge, after 48 hours { \$0.50 per shipping ton, per
week or fraction thereof.

Attendance of Assistant Customs Officer at private warehouses, hulks, etc., \$5.00 per day.

Goods entered in bond, stored in Govern- { \$0.05 per package of one cubic
ment Warehouse, per month, { foot or under, \$0.10 per pack-
age of over one cubic foot.

(1000 feet of lumber shall be considered as one shipping ton.)

8. There shall be made and collected upon merchandise, exported from American Samoa, a charge of one dollar (\$1.00) per shipping ton.

9. The Master of any vessel or any person, engaged in the importation of goods of any character, dutiable or undutiable, committing a breach of or attempting to commit a breach of the foregoing Regulation, and all persons aiding or abetting such Master or person shall, upon conviction, be fined not exceeding Two Hundred Dollars (\$200), and in default of the payment of any fine imposed shall be imprisoned for a term of imprisonment in jail not exceeding six months, with or without hard labor, in the discretion of the Court; and all goods or vessels, being in anywise connected with the breach or attempted breach of the foregoing Regulation, may be seized by the Customs Officer and may be declared forfeited by the Court for the benefit of the Government. The forfeited goods or vessels may, upon the order of the Court, be sold at public auction, at such time and place as the Court shall order.

Regulation No. 1-1916, enacted August 7, 1916, by J. M. Poyer, Governor; repealing Regulation No. 3-1911, enacted May 20, 1911, by W. M. Crose, Commander, U.S.N., Governor.

Sec. 17. LICENSES GENERALLY.

1. Every person following or exercising any of the professions, trades, or callings enumerated in Schedule A, page 20, whether jointly with any other profession, trade, or calling, or otherwise shall take out a license and pay a license at the rate per year set forth in such Schedule A.

2. All such licenses shall, on application, be issued by the Customs Officer.

3. Licenses shall be issued, for six or twelve months, on payment of the annual fee due in respect of each profession, trade, or calling, or the proportionate part thereof, according to the time for which such license is issued, and in all such cases licenses shall date from the first day of October or the first day of April and shall expire on the last day of September or March as the case may be. Any license taken out during the half year shall be charged for the whole half year.

4. Licenses under this Regulation shall be in the form prescribed in Schedule B, page 21, and shall not be transferred without the written permission of the Customs Officer endorsed thereon.

5. No license shall be renewed, until the party holding such license shall have paid all taxes or fees which he may owe to the Government of American Samoa.

6. Any one purchasing or buying from or employing any unlicensed person, knowing the same to be unlicensed, shall on conviction be equally liable with such unlicensed person.

7. Any person exercising, following, or engaging in any of the professions, trades, or callings, enumerated in Schedule A aforesaid, without a license, at any time after the lapse of seven days from the first day of the months of October and April respectively, shall, on conviction, be fined not exceeding Two Hundred and Fifty Dollars (\$250), or be imprisoned for a term not exceeding four months with or without hard labor in the discretion of the Court.

8. The burden of proof of non-violation of any of the provisions of this Regulation shall rest with the accused.

9. An Auctioneer's License shall enable the holder of it to sell any goods or effects whatsoever, for the sale of which specific licenses are not issued, and also real estate. In case of the intention to sell by public auction or private contract any goods for the sale of which specific licenses are issued the auctioneer must first apply to the Customs Officer, for a permit or license to sell such specific goods, and the Customs Officer may, in his discretion, impose such restrictions and conditions as he may deem expedient, concerning such sale, and he may also impose or remit the whole or part of the license payable for the sale of such specific goods. An Auctioneer's License shall include a Commission Agent's License.

10. A Commission Agent's License issued under this Regulation shall enable the person holding such license to dispose of real estate or of goods in bulk, except articles for the sale of which specific licenses are issued, and in case of a Commission Agent desiring to sell such articles he must apply to the Customs Officer, as provided in sub-section 9 of this Regulation, and the Customs Officer may act as empowered in said sub-section. A Commission Agent's License shall not cover the Agency for an Insurance Company.

11. A Store License shall permit the sale of all articles in any quantity, in respect of which specific licenses are not issued.

12. A Hawker's License shall be subject to the same limitations as a store license, in regard to the kind of articles, but such articles may not be exposed for sale in any store, vessel, or building, nor may such articles be sold in bulk.

License.	Schedule A.					Amount per annum.
Accountant	-					\$10.00
Aerated Water Manufacturer				-		\$12.00
Attorney, or Solicitor	-					\$60.00
Auctioneer	-	-	-	-	-	\$40.00
Baker	-	-	-	-	-	\$12.00
Banks, or Companies doing Banking Business				-	-	\$60.00
Barber	-	-	-	-		\$6.00
Blacksmith	-	-	-	-		\$6.00
Boat Builder, (not employee)	-	-	-	-		\$6.00
Boats, (owned by traders and boats plying for hire)	-	-	-	-		\$3.00
Butcher	-	-	-	-	-	\$12.00
Cargo Boat or Lighter	-	-	-	-		\$6.00
Carpenter	-	-	-	-	-	\$6.00
Chemist or Druggist	-	-	-	-	-	\$40.00

Clerk, for every \$25 of monthly salary	-	-	-	-	\$1.00
Commission Agent	-	-	-	-	\$25.00
Compositor in Printing Office	-	-	-	-	\$6.00
Cook	-	-	-	-	\$5.00
Doctor	-	-	-	-	\$50.00
Domestic (Skilled Foreign)	-	-	-	-	\$5.00
Engineer	-	-	-	-	\$18.00
Hawker	-	-	-	-	\$10.00
Independent Workman	-	-	-	-	\$5.00
Insurance Company	-	-	-	-	\$60.00
Joint Stock Company or Agents for same	-	-	-	-	\$125.00
Laborers (Colored other than Samoans)	-	-	-	-	\$2.00
Laborers (White)	-	-	-	-	\$5.00
Lodging House	-	-	-	-	\$25.00
Pawnbroker	-	-	-	-	\$25.00
Photographer	-	-	-	-	\$12.00
Printing Press	-	-	-	-	\$12.00
Restaurant	-	-	-	-	\$25.00
Sailmaker	-	-	-	-	\$6.00
Salesmen, Assistants, Apprentices, for every \$25 of monthly earnings	-	-	-	-	\$1.00
Ship Builder	-	-	-	-	\$6.00
Shoemaker	-	-	-	-	\$6.00
Stores and Warehouses:					
Class I.—On stores of which the monthly sales are \$2000 or more,	-	-	-	-	
each store	-	-	-	-	\$75.00
Class II.—Below \$2000 and not less than \$1000 each store	-	-	-	-	\$48.00
Class III.—Below \$1000 and not less than \$500 each store	-	-	-	-	\$36.00
Class IV.—Below \$500 and not less than \$250 each store	-	-	-	-	\$24.00
Class V.—Below \$250 each store	-	-	-	-	\$12.00
Surveyor	-	-	-	-	\$10.00
Tailor	-	-	-	-	\$6.00
Tinsmith	-	-	-	-	\$6.00
Waterman	-	-	-	-	\$6.00

Schedule B.

American Samoa.

(License Regulation.)

No....., 191.....

Mr.....of....., having paid the sum of \$.....
to the Government of American Samoa, for a.....license, is entitled
to carry on the.....of.....within the limits of American
Samoa, from the.....day of....., 191....., to the.....day
of....., 191.....

.....
Customs Officer.

*Regulation No. 17-1900, enacted September 13, 1900, by B. F. Tilley, Com-
mander, U.S.N., Commandant. Amended by Regulation No. 4-1904, enacted June
7, 1904, by E. B. Underwood, Commander, U.S.N., Commandant; and by Regula-
tion No. 2-1907, enacted February 2, 1907, by W. G. Briggs, Lieutenant, U.S.N.,
Acting Governor.*

Sec. 18. LICENSE/ ETC. FOR FIREARMS.

1. In this Regulation unless the subject or context otherwise requires,—
 "Native" shall mean and include any native of any island in the Pacific Ocean other than a person of white legitimate descent.
 "Court" shall mean and include the District Court of American Samoa.
 "Arms" shall mean and include arms, ammunition, explosives, and implements and material for the manufacture of the same.
2. Any person or persons, directly or indirectly supplying, aiding, or abetting, any other person to supply any arms to a native within the limits of American Samoa, shall be guilty of an offence against this Regulation.
3. Every person within the limits of American Samoa, shall furnish the Governor, upon his order, or to the Court, if so desired by the Court, statements showing the quantities of arms which he has on hand or in stock, and shall give such further information, as the Governor or the Court may require. A failure to comply with the requirements of this sub-section shall be an offence against this Regulation.
4. It shall be unlawful for any person, whether ordinarily or temporarily resident within American Samoa, whether on shore or on board any vessel, to have in his possession, or control any arms without the written permission of the Governor, who may issue licenses empowering the holders to have in their possession, or control such arms as in his opinion may be reasonably necessary for the defence of themselves, their families, laborers, crews, vessels, houses or plantations, or for sporting purposes in the form A, page 24, and licenses to sell arms may also issued by the Governor, in the form D, page 25. Each license shall specify the number, quantity, and description of the arms which may be held under it and the Governor may, at any time for any reason he may think fit, revoke such license or increase or diminish the number or quantity of arms to be held under it. If any arms shall be found in the possession, or control of any person not authorised as herein provided to hold the same, such person shall be guilty of an offence against this Regulation, and all arms in his possession, or control may be forfeited to the Governor.
5. The importation of arms into American Samoa by any person whomsoever is and the same is hereby prohibited, unless the importer shall have first obtained from the Governor a license or permit in the form B, page 24, and any person importing arms without a permit or license shall be deemed guilty of an offence against this Regulation.
6. The Governor may grant to any person desirous of obtaining gunpowder or dynamite for the purpose of blasting, a license in the form C, page 25, authorising such person to obtain any quantity of gunpowder or dynamite to be specified in such license, to be applied to such purpose, upon being satisfied that such gunpowder or dynamite is wanted for such purpose and that the applicant is in his judgment a fit person to be intrusted therewith.
7. When a license to keep arms shall be issued to any person within American Samoa, the licensee shall produce to an officer or other person appointed by the Governor the arms specified in such license together with such license. Such arms shall be examined and compared therewith and, if found to correspond therewith, shall be marked with such letters as may be appointed by the Governor and also with a number to indicate the order of the license and registration as specified in the license. Such arms, when duly marked, shall be re-delivered together with the license to the licensee.
8. When any person shall be found carrying arms, it shall be lawful for any policeman or officer to examine such arms so as to ascertain the number and letters marked thereon and to require the person so carrying arms to tell his name

and place of abode. In case such person shall refuse to allow such arms to be examined or shall refuse to tell his name and place of abode, it shall be lawful for the police or officer or any person, acting by the order of any magistrate and in the aid of any police or officer, to seize such arms and apprehend such offender and the offender shall forthwith be brought with all arms before the Governor, and the offender shall upon conviction before the Court be liable to a fine not exceeding the sum of Two Hundred and Fifty Dollars (\$250), or to imprisonment not exceeding the term of six months, or to both punishments with or without hard labor in the discretion of the Court.

9. Every person on board of any coasting vessel or vessel on a coasting voyage, who knowingly receives on board such vessel from another vessel either at sea, within the territorial limits of American Samoa, or in harbor any arms, without a license to import in the form B, page 24, shall be guilty of an offence against this Regulation.

10. The master of every vessel, arriving within the waters of American Samoa from across the seas, shall deliver to the Customs Officer, who shall first visit such vessel after such arrival, a statement in writing, signed by such master, containing a true account of all arms on board such vessel, and any master who shall wilfully fail to make such report or shall wilfully make a false report of such arms, shall be guilty of an offence against this Regulation.

11. The Court may, for any reason it may think fit, issue a warrant authorising any person named therein to search for arms on board any vessel or boat, or on any land or in any store, warehouse, dwelling house or other building, within the territorial limits of American Samoa. In making such order, the Court may impose any condition or conditions it may think fit for the proper execution of the order, and may authorise the person named in the warrant to employ such assistance as may be necessary to enforce the warrant.

12. If the master or other person, employed in connection with any vessel shall, in the course of such employment commit any breach of this Regulation and shall be sentenced to pay a fine or costs, such vessel may be detained by the order of the Court until such fine or costs are paid, together with all expenses incurred in detaining the vessel.

13. If any person holding any license under this Regulation shall lend or permit such license to be used for the benefit of any other person or for any other purpose than that, stated in the license, he shall be deemed guilty of an offence against this Regulation.

14. Asiatics and persons other than those of white legitimate descent are subject to the same prohibitions and restrictions, which are comprised in this Regulation, as natives.

15. The following fees must be paid by all applicants for any license or permit under this Regulation before such license or permit may be issued :—

License to Possess Arms.

For each firearm other than a muzzle loading fowling piece, per annum	\$2.00
For each muzzle loading fowling piece, per annum	\$1.00
For license for gunpowder or dynamite or other explosive, for every ten pounds	\$1.00

License to Import.

For each firearm	\$1.00
For every ten pounds of gunpowder dynamite or other explosive or fraction thereof	\$1.00

License to Sell.

Each firearm \$1.00
 Every pound of gunpowder or other explosive, or fraction of a pound . . . \$0.10

16. The import duty to be paid by importers shall be :—

For each firearm \$4.00
 For each pound of gunpowder, dynamite or other explosive \$0.50

On shot guns, cartridges an ad valorem duty of 60 per cent.

For all other material or things denoted by the term "Arms" an ad valorem duty of 25 per cent.

17. Any person who shall forge, counterfeit, or alter or cause to be forged, counterfeited, or altered any license, or shall use or tender in evidence any such forged, counterfeited, or altered license, or shall stamp or mark any arm, not being duly authorised to do so, or cause or procure to be stamped or marked any arm with any mark or number resembling or intended to resemble, either wholly or in part, any mark or number made or impressed upon any arm, pursuant to any orders of the Governor, or shall stamp or mark or cause or procure to be stamped or marked or aid in stamping or marking any arm with any mark or number with the view to induce in any person the belief that such arm has been registered and marked as provided by this Regulation, or for the purpose of deceiving any person in any manner shall be guilty of an offence against this Regulation.

18. Whosoever does, counsels, aids, abets, encourages or procures or attempts to do, counsel, aid, abet, encourage or procure any other person to do any act contrary to this Regulation, shall on conviction for each offence be subject to a fine not exceeding Two Hundred and Fifty Dollars (\$250), or to imprisonment for a term not exceeding six months, or to both punishments, with or without hard labor in the discretion of the Court.

Form A.

American Samoa.

Firearms Regulation.

Ordinary License.

.....Mark of Firearms. No.....

.....Number of Firearms.

This is to certify that.....of.....is empowered to have in his possession for the purpose of.....the undermentioned, viz.,

from the.....day of.....19.....to the.....day of.....19.....

.....
 Governor.

Form B.

American Samoa.

Firearms Regulation.

License to Import.

No.....

This is to authorise.....of.....within.....days from the date hereof to import into American Samoa, the undermentioned :—

● Dated this.....day of.....19.....

.....
 Governor.

(This license to be void and may not be exercised after the expiration of.....days from the date hereof.)

Form C.
American Samoa.

Firearms Regulation.

No.....

License for Blasting.

This is to license.....of.....to obtain the undermentioned:

Dated this.....day of.....19.....

Governor.

Form D.
American Samoa.

Firearms Regulation.

No.....

License to Sell.

This is to authorise.....of.....to sell or dispose of
to.....of.....within.....days from date the
undermentioned, viz :

Dated this.....day of.....19.....

Governor.

Regulation No. 11-1900, enacted July 18, 1900, by B. F. Tilley, Commander, U.S.N., Commandant. Amended by Regulation No. 3-1910, enacted December 1, 1910, by W. M. Crose, Commander, U.S.N., Governor; and by Regulation No 4-1913, enacted November 10, 1913, by C. D. Stearns, Commander, U.S.N., Governor.

Sec. 19. WHEN LICENSES REQUIRED OF IMPORTERS OF GOODS.

1. Any person or persons importing goods of any nature whatsoever into American Samoa, and passing the same, or any portion thereof, over to any other person or persons shall be required to take out such license, as in provided for in either Section 17 or Section 18 of this Codification, according to the nature of the goods imported.

2. Any person or persons committing, or attempting to commit a breach of this Regulation shall be liable, upon conviction, to the penalties provided in sub-section 7 of Section 17, or sub-section 18 of Section 18 of this Codification, according to the nature of the goods transferred.

Regulation No. 2-1904, enacted May 6, 1904, by E. B. Underwood, Commander, U.S.N., Commandant.

Sec. 20. LICENSES FOR VESSELS ENGAGED IN INTER-ISLAND TRAFFIC.

1. Every Master of a vessel, engaged in traffic among and between the islands of American Samoa, shall take out and pay an annual license at the rate of One Dollar (\$1.00) for each and every ton of the registered tonnage of the vessel of which he is Master, if registered, and if not registered, for each and every ton of gross tonnage.

2. Such license shall be granted by the same official and in the same manner, as other licenses are granted in American Samoa.

3. Any Master of a vessel violating the provisions of this Regulation shall be liable to a fine not to exceed Two Hundred and Fifty Dollars (\$250), or to be imprisoned for a term not exceeding six months, with or without hard, labor in the discretion of the Court.

Regulation No. 2-1914, enacted January 12, 1914, by C. D. Stearns, Commander, U.S.N., Governor.

Sec. 21. LICENSE FOR AND REGISTRATION OF DOGS.

1. In this Regulation, the word "owner" shall mean and include not only owner but occupant of any house or premises where a dog is ordinarily kept or permitted to live or remain and includes the keeper of the dog or the person in whose care such dog may temporarily be, whether loose or confined, or any person who may harbor any dog.

2. Any person who shall keep any dog within American Samoa, of a greater age than six months for a period of fourteen days, without causing such dog to be registered and such registration to be again made from year to year in the manner hereinafter provided, shall be liable to a fine not exceeding Twenty Five Dollars (\$25) for every such dog and above the amount of any fee payable for the registration of such dog.

3. There shall be kept in the Office of the Customs Officer a supply of metal tags, numbered from one upwards in each year, and any person, who registers a dog, shall be entitled to receive a tag for each dog.

4. Every registration of a dog shall be made by the owner thereof or some person on his behalf and a description of such dog shall be entered in a Registration Book as prescribed in Schedule A, page 27.

5. Every such registration shall be deemed to be in force from the day upon which the same shall be made until the first day of January, then next ensuing, and no longer, and such registration shall be again made in like manner, from year to year.

6. The fee to be paid for the registration of every dog throughout American Samoa shall be One Dollar (\$1.00) for every male dog, and Two Dollars (\$2.00) for every female dog. And until such amount shall have been paid, no such registration shall be deemed to have been duly made. But for every first registration which shall be made after the 30th day of June in any year there shall be payable only one half the amount of the registration fee.

7. Where the ownership of a dog is changed, the registration of such dog shall continue good and the registration tag shall, upon the application of the new owner, remain with the dog, but the name of the new owner shall, upon application by him, be entered in the registration book in place of the name of the previous owner thereof, without payment of a fee.

8. In any proceedings under this Regulation, the proof of due registration or that the dog is under the age of six months, or has not been kept for a period of fourteen days by the owner thereof, shall in each case be on the owner.

9. Dogs, without proper registration tags, shall *prima facie* be deemed to be unregistered, and any person, upon whose land such dog may be found, or any person duly authorized by law, may destroy such dog.

10. Upon complaint being made that a dog, whether at large or not, is dangerous and not kept under proper control, and upon it appearing to the Court, that such dog is dangerous, the Court may make an order directing the dog to be kept by the owner under proper control or destroyed, and every person failing to comply with such order shall be liable to a fine not exceeding the sum of Five Dollars (\$5) for every day during which he fails to comply with the order.

11. If any dog shall on any highway or any unenclosed place, rush at, attack, or frighten any person, whether on foot, horseback or in or on any vehicle whereby the life or limb of any person shall be endangered or any property injured or endangered, such dog shall be liable to be immediately killed, and the person killing such dog shall not be answerable for any damage for the loss of such dog.

12. The owner of every dog shall be liable in damages for injury done by his dog and it shall not be necessary for the party claiming damages to show a pre-

vious mischievous propensity in such dog or the owner's knowledge of such mischievous propensity, or that the injury was attributable to neglect on the part of the owner of the dog.

13. If any person shall falsify or counterfeit, or knowing the same to be false or counterfeit, purchase, use or have in his possession any tag resembling or apparently intended to resemble or pass for a tag supplied at the Registration Office, every such person shall for every such offence be liable upon conviction to a fine not exceeding Fifty Dollars (\$50).

14. If any person shall after the first day of January every year have in his possession or keep any dog wearing a tag issued in any previous year, which dog shall not have been registered for the then current year, such person shall upon conviction be liable to a fine of not exceeding Ten Dollars (\$10). And if any person shall have in his possession or keep any dog wearing a tag issued for another dog, such person shall be liable to a fine of not exceeding Twenty Five Dollars (\$25).

15. If any person wilfully or maliciously remove from the collar worn by any dog the tag required by this Regulation, such person shall for every offence be liable, upon conviction to a fine of not exceeding Twenty Five Dollars (\$25) and also shall forfeit and pay to the owner of any dog that may have been destroyed under the provisions of this Regulation, and in consequence of the removal of such tag, the full value of the dog so destroyed.

Schedule A.

Name of Owner.	Town.	District.	No. of Tag.	Description or kind of Dog.	Sex.	Age.	Color or peculiar Marks.

Regulation No. 6-1905, enacted June 29, 1905, by C. B. T. Moore, Commander, U.S.N., Governor.

Sec. 22. LICENSE FOR AND REGISTRATION OF STALLIONS AND BULLS.

1. The word "stallion", as used in this Regulation, shall mean and include any entire, unaltered male animal of the equine species, of the age of two years or upwards, and the word "bull", as used herein, shall mean and include any entire, unaltered male animal of the bovine species, of the age of two years or upwards.

2. The Chief Customs Officer shall keep in the Customs House a book to be known as the "Register of Stallions and Bulls" and such Register shall contain the true pedigree of each registered animal, as far as may be ascertainable.

3. It shall be unlawful for any person to own or to have in his possession or control any stallion or bull, unless the same shall have been duly admitted to registration, and the current license thereon shall have been fully paid, as hereinafter provided.

4. All persons owning or having in their possession any stallion or bull shall register the same at the Customs House in the following manner: The stallion or bull shall be brought to the Customs House for examination, and if, after a proper examination, the animal is found to be sound and suitable for breeding purposes, the animal may be admitted to registration upon payment of the fee hereinafter provided. All animals found to be unsuitable for breeding purposes and denied registration shall be altered, deported or destroyed.

5. When the ownership of any stallion or bull is changed, the registration of such animal shall continue in force: *Provided*, that the new owner shall, within

thirty days, present the bill of sale to the Chief Customs Officer for the substitution^t of his name in place of that of the previous owner, and shall pay the transfer fee hereinafter provided.

6. In any proceedings under this Regulation, the burden of proving due registration and payment of license, or that the animal is under the age of two years, shall in each case, be upon the owner or person in possession of the stallion or bull.

7. In the discretion of the Governor, the fee charged for the registration of any stallion or bull imported from any country in the temperate zone may be remitted.

8. In all cases where a written contract is made for a definite fee for service the owner of any animal duly registered under this Regulation shall have a lien for the amount of the agreed service fee upon any foal or calf that shall have been begotten by such stallion or bull; said lien to continue in force until the said foal or calf is six months old.

9. The schedule of fees to be charged in connection with the registration and licensing of stallions and bulls shall be as follows:

For the registration of each stallion (including the first license)	-	\$10.00
For the registration of each bull (including the first license)	-	\$6.00
Annual license for each stallion	-	\$5.00
Annual license for each bull	-	\$3.00
Transfer fee for either stallion or bull, upon change of ownership		\$0.50

10. The annual license fee for each registered stallion or bull shall be payable on or before the first day of January in each year. Every license, issued under this Regulation, shall be deemed to be in force from the date upon which the same shall be issued until the 31st day of December then next ensuing, and no longer. The failure of any person, owning, possessing or controlling any stallion or bull, to pay the annual license fee herein provided before the expiration of seven days after the first day of January in each year, shall be a violation of this Regulation.

11. Any person infringing or committing a breach of or aiding any other person to infringe or commit a breach of this Regulation, shall, upon conviction, be liable to imprisonment, with or without hard labor, for a period not exceeding six months, or to a fine of not exceeding the sum of Two Hundred and Fifty Dollars (\$250), or to both fine and imprisonment, in the discretion of the Court, and in addition thereto, any stallion or bull kept contrary to the provisions of this Regulation shall liable to seizure and confiscation by the Government.

Regulation No. 2-1911, enacted March 24, 1911, by W. M. Crose, Commander, U.S.N., Governor.

Sec. 23. PRESERVATION OF PUBLIC HEALTH.

1. The Department of Health is hereby constituted to consist of the Senior Medical Officer of American Samoa.

2. Said Department of Health is hereby empowered and directed to make and publish Health Regulations, subject to the approval of the Governor, to apply to every part of American Samoa, or to any part or parts of American Samoa, that the said Department of Health may direct

3. Said Department of Health is hereby empowered and directed to make such orders as may properly be, in the discretion of said Department of Health, within the purview of any municipal or state board of health in the United States; said orders to prescribe the number of days wherein any such order shall be complied with: *Provided*, that no extension of any period by said Department of Health shall in any way operate as a nullification of any such order. All orders of the Department of Health must be approved by the Governor.

4. Each village and the owner and occupant of each foreign house shall provide one or more latrines of suitable character and design, and the officials of each village and the owners and occupants of each foreign house shall be required to provide and maintain such latrine or latrines in a clean and sanitary condition.

5. The defecation by any person in any place, other than a properly constructed latrine, shall be considered a breach of this Regulation.

6. Upon conviction of any violation of this Regulation, or of any violation of any Health Regulation, or of disobedience to any lawful order of said Department of Health, the offender shall be sentenced to pay a fine of not less than Five Dollars (\$5.00), and not to exceed One Hundred Dollars (\$100), or to imprisonment in the jail, with or without hard labor, in the discretion of the Court, for a period of not less than ten days, and not to exceed six months, or to both fine and imprisonment, in the discretion of the Court.

Regulation No. 1-1910, enacted February 19, 1910, by Jno. F. Parker, Captain, U.S.N., Retired, Governor. Amended by Regulation No. 7-1911, enacted November 13, 1911, by W. M. Crose, Commander, U.S.N., Governor; and by Regulation No. 1-1914, enacted January 10, 1914, by C. D. Stearns, Commander, U.S.N., Governor.

Sec. 24. QUARANTINE.

1. The captain or other officer in command of every vessel, entering the territorial limits of American Samoa, from a foreign port, shall exhibit a yellow quarantine flag at the fore until pratique has been granted.

2. Every vessel shall remain in midstream and no communication shall be allowed with the shore until pratique has been granted.

3. The captain or other officer in command of any such vessel shall present to the Boarding Officer, immediately upon arrival on board, a proper Bill of Health together with a full, true and correct list of all passengers, as provided in subsection 2, Section 60 of this Codification, and such list shall distinguish residents of American Samoa from non-resident passengers.

4. When said Bill of Health and passenger list shall have been presented to the Boarding Officer, he shall proceed to inspect the vessel and shall grant or refuse pratique in accordance with the quarantine laws of the United States of America.

5. The captain or other officer in command of any such vessel shall detain on board any person or persons designated by the Boarding Officer, and he shall allow these persons to land only when he has received special permission for them from the Governor.

Health Regulation No. 3-1910, approved July 21, 1910, by Jno. F. Parker, Captain, U.S.N., Retired, Governor. •

Sec. 25. IMPORTATION AND SALE OF MEDICINES AND DRUGS.

1. The importation or sale of all patent medicines or other medicines and drugs, by any person or persons whomsoever, in American Samoa is hereby expressly prohibited, unless the person or persons desiring to import the same shall have first obtained the written approval of the Senior Medical Officer, which said written approval shall be filed with the Customs Officer by the importer; said written approval to contain a detailed statement of the medicines or drugs together with the quantities thereof.

2. Any person or persons committing a breach of this Regulation, or aiding or abetting any other person to commit a breach of this Regulation, or any clerk

or agent of any trader or storekeeper, committing a breach of this Regulation, shall be liable, upon conviction, to be punished by a term of imprisonment of not less than thirty days or more than one year, with or without hard labor, or by a fine of not less than Twenty Five Dollars (\$25), nor more than One Hundred Dollars (\$100), or by both fine and imprisonment, in the discretion of the Court.

3. All medicines or drugs, which shall be found in the possession of any trader or storekeeper for the purpose of sale, contrary to the provisions of this Regulation, shall be liable to seizure without compensation therefor.

Regulation No. 3-1908, enacted May 26, 1908, by Jno. F. Parker, Captain U.S.N., Retired, Governor.

Sec. 26. IMPORTATION AND SALE OF OPIUM.

1. No person or persons shall import into American Samoa any opium or any preparation or compound containing opium, in any quantity.

2. The word "opium", as used in this Regulation, shall mean and include crude opium, morphia or morphine, sulphate of and all alkaloids or salts of opium, aqueous extract of opium, tincture of opium, laudanum, opium prepared for smoking, and all other liquid or solid preparations containing opium, in any quantity.

3. It shall be unlawful for any person or persons to sell or supply any opium or preparation or compound containing opium to any other person, in any quantity.

4. Any person who shall import or attempt to import any opium or any preparation or compound containing opium, or who shall sell or supply or attempt to sell or supply any person with opium or any preparation or compound containing opium, or who shall aid or abet in any way in the importation, selling or supplying of opium or any preparation or compound containing opium, contrary to the provisions of this Regulation, shall, on conviction thereof, be punished by a fine not to exceed Two Hundred and Fifty Dollars (\$250), or by imprisonment in the jail for a term not exceeding six months, with or without hard labor, or by both fine and imprisonment, within the above limits, in the discretion of the Court.

Regulation No. 2-1910, enacted February 9, 1910, by Jno. F. Parker, Captain, U.S.N., Retired, Governor; repealing Regulation No. 3-1902, enacted June 27, 1902, by U. Sebre, Captain, U.S.N., Commandant.

Sec. 27. COMPULSORY VACCINATION.

1. The term "parent" in this Regulation shall mean and include the mother and father of a legitimate child and the mother of an illegitimate child, and the guardian of any child; the term "vaccination" shall mean the administration of vaccine lymph supplied by the Department of Health of American Samoa; the term "native" shall mean and include Samoans, all other South Sea Islanders, Africans and Asiatics.

2. All persons residing within the limits of American Samoa, must be vaccinated, unless said person or persons have previously been successfully vaccinated, or have already had the disease known as "smallpox."

3. The Governor may appoint one or more persons for vaccinating persons, residing in American Samoa, and every such person so appointed shall be termed Public Vaccinator.

4. Every person must, upon notice from any chief of a village, or from a Public Vaccinator, present himself for vaccination before a Public Vaccinator, unless the Public Vaccinator shall be of opinion that such a person is not susceptible of successful vaccination, or has already had the smallpox.

5. The parent of every child born in American Samoa, must, within six (6) calendar months after the birth of such child, take, or cause it to be taken to a Public Vaccinator, for the purpose of being vaccinated, if the Public Vaccinator shall be of opinion that the child is in a fit and proper state to be successfully vaccinated. Such parent shall again, when required, take the child, or cause it to be taken, to the Public Vaccinator, by whom the operation was performed, who shall inspect the result of such operation, and in the event of the vaccination being unsuccessful, such parent shall, if the Public Vaccinator so direct, cause the child to be forthwith again vaccinated and subsequently inspected as on the previous occasion; and in the event of the child not being in a fit and proper state to be vaccinated, as aforesaid, then the parent shall present the child for vaccination at such time and place as may be required by the Public Vaccinator.

6. Every person or parent who shall commit or attempt to commit a breach of any of the provisions of this Regulation, shall be liable, upon conviction, to pay a fine of not exceeding Ten Dollars (\$10).

7. The village magistrates of American Samoa, shall have jurisdiction in the first instance over all offences committed by any native against this Regulation.

Regulation No. 4-1903, enacted September 17, 1903, by E. B. Underwood, Commander, U.S.N., Commandant.

Sec. 28. YAWS (TONAS).

1. All residents of American Samoa, suffering with yaws (tonas), shall submit to treatment therefor, administered under the order or direction of the Department of Health of American Samoa.

2. The pulenuu of every village of American Samoa, shall make weekly reports to the the Department of Health of all cases of yaws (tonas), in his village, cases from other villages not being included in any of these reports.

3. The pulenuu of every village is hereby required to have all persons living in his village, suffering with yaws (tonas), for treatment at the time and place designated by the Department of Health, due notice thereof having been given him by said Department.

4. Until it is otherwise ordered by the Department of Health, no person suffering with yaws (tonas), shall spent the night in any village, in which the persons suffering with yaws (tonas) have been treated by the Department of Health, except the one in which he usually resides, unless ordered or permitted to do so by some person acting under the direction of the Department of Health, and the pulenuu of any village who knowingly permits a violation of this provision, as well as the person violating this provision shall be liable to the punishment hereinafter prescribed.

5. Until such time as it is otherwise ordered by the Department of Health, persons with yaws (tonas), coming from the islands of the Manu'a Group to Tutuila shall go immediately to the Samoan Hospital for treatment and shall not land in Tutuila for any other purpose, and persons, residing in places outside of American Samoa, found upon arrival in the Harbor of Pago Pago to be suffering with yaws (tonas) shall not be allowed to land for any purpose.

6. All persons having sores, ulcers, or the like, shall keep the same carefully covered to prevent the transmission of this disease.

7. The pulenuu of any village who shall fail or refuse to carry out the provisions of this Regulation, or any person who shall violate any of the provisions thereof, shall upon conviction be liable to a fine of not exceeding Two Hundred and Fifty Dollars (\$250), or to be imprisoned for a term not to exceed six months, with or without hard, labor in the discretion of the Court.

Regulation No. 9-1914, enacted March 24, 1914, by C. D. Stearns, Commander, U.S.N., Governor.

Sec. 29. INSPECTION OF DRINKING AND BATHING PLACES AND LATRINES.

1. The pulenuu of each village in American Samoa shall inspect every week all drinking and bathing places and latrines used by his village.

2. He is hereby authorized to detail such persons of his village, as he considers necessary, to clean and repair the village drinking and bathing places and latrines as frequently as may be necessary to keep them in good condition. He shall divide the work as fairly as possible, so that each person shall do his share.

3. The pulenuu will be held responsible for any failure to keep the village drinking and bathing places and latrines clean and in good repair.

Health Regulation No. 2-1912, approved March 25, 1912, by W. M. Crose, Commander, U.S.N., Governor.

Sec. 30. BIRTHS AND DEATHS.

1. The father or mother of every child born within the limits of American Samoa, or in case of the death, absence, or inability of the father or the mother, the owner of the house or place in which such child shall have been born, and each person present at the birth of such child shall, within three days after the birth, give information to the Village Chief of the place within which such child shall have been born, of such birth and such further particulars, to the best of his knowledge or belief, as may be required by the Village Chief, and every person who shall refuse or without reasonable cause neglect to give such notice as aforesaid, either himself or by an agent duly authorized, shall, upon conviction, pay a fine of not exceeding Five Dollars (\$5.00), or in default thereof, serve a term of imprisonment not exceeding fifteen days, with or without hard labor, in the discretion of the Court: *Provided*, that if any of the persons, who are hereby required to give to the Village Chief information relating to the birth of any child, shall have already given the required information, no penalty shall be imposed upon the remainder of such persons for not having given the information required.

2. In each case of the death of any person, it shall be the duty of the occupant of the house or place in which such death took place and of the relatives of the deceased or other persons, present at such death, to give notice forthwith to the Village Chief, with such particulars concerning the death as may be required by the Village Chief, and every person, who shall refuse or without reasonable cause neglect to give such notice as aforesaid either himself or by an agent duly authorized, shall, upon conviction, pay a fine of not exceeding Five Dollars (\$5.00), or in default thereof serve a term of imprisonment not exceeding fifteen days, with or without hard labor, in the discretion of the Court: *Provided*, that if any of the persons, who are required to give to the Village Chief information relating to the death, shall have already given the required information, no penalty shall be imposed upon the remainder of such persons for not having given the information required.

3. In the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Regulation concerning the birth

of such child and the name of any person, as the father of an illegitimate child, shall not be entered on the register unless at the joint request of the mother and the person, acknowledging himself to be the father of such child, and such person shall in such case admit before the Village Chief that he is the father of such illegitimate child.

4. The Village Chief shall report all deaths and births, at the end of each month, with all such particulars as may be required, to the Secretary of Native Affairs for registration.

5. It shall be the duty of all police to inquire for every birth and death and report the same to the Village Chief.

6. In case any dead body shall be found, and in case of any sudden death, the Village Chief shall report the finding of such dead body or such death without delay to the Secretary of Native Affairs. The body must not be removed from the place where found, nor shall any burial take place until notice be received from the Secretary of Native Affairs.

Regulation No. 7-1906, enacted September 5, 1906, by C. B. T. Moore, Commander, U.S.N., Governor.

Sec. 31. BUILDINGS.

1. No church, school, or other building, and no house of frame, weather-board, concrete, metal, stone, or brick construction, nor any alteration thereto, shall be constructed within the limits of American Samoa, until the plans thereof have been approved by the Governor.

2. All applications to erect any such building shall be in writing and accompanied by a sketch, showing the location of the proposed house, its dimensions and the number, location and dimensions of its doors, windows and other openings for lighting and ventilation.

3. The owner and the builder of any building, erected in contravention of this Regulation shall, upon conviction, be liable to pay a fine, not exceeding Twenty Five Dollars (\$25), or to imprisonment with or without hard labor, for a term not exceeding two months; and any building so erected shall be removed or altered in accordance with the order of the Governor, at the expense of the owner thereof.

Regulation No. 2-1912, enacted May 6, 1912, by W. M. Crose, Commander, U.S.N., Governor; repealing Regulation No. 1-1901, enacted March 25, 1901, by B. F. Tilley, Commander, U.S.N., Commandant.

Sec. 32. MARRIAGE.

1. Persons wishing to marry must each first obtain a certificate from the magistrate of their native places, or of the place where they last resided, and in the case of foreigners from the Governor of American Samoa, certifying that they are each free to marry according to the law of the land. The certificates must be presented to a District Judge and the District Judge, if he is satisfied with the certificates, shall thereupon publish in the village or villages of the residence of the persons desiring to be married, their names and the names of their parents and a similar notice shall be posted in a conspicuous place in the District Court House. Upon the application of a foreigner, not a resident of American Samoa, for permission to marry, the Governor may, in his discretion, waive the provision of this sub-section, requiring the posting of notices of said proposed marriage: *Provided*, however, that such applicant must present satisfactory evidence, duly attested by the seal of the official subscribing to the same, that the applicant is a person of good moral character and is in every respect eligible to marry the

person named in said application, or that the applicant be accompanied by two competent witnesses, of reliable reputation, who will establish, under oath, the eligibility of the parties to enter the marriage relation, under the laws of American Samoa.

2. After the expiration of fourteen days from the time of the publication of the notice, if no objection has been lodged with the District Judge, each of the parties to the marriage shall appear before the District Judge before whom the certificate has been presented, and shall make the following declaration :

I.....of.....do solemnly and sincerely declare that I believe there is no impediment or lawful objection by reason of any kindred or relationship, any existing former marriage, or want of consent of parents or any other lawful cause to my being married to.....of.....daughter of.....of.....

.....
(Signature of intended husband)

And I, the said.....do solemnly and sincerely declare that there is no impediment or lawful objection, by any such reason or other lawful cause as aforesaid to my being married to the said.....

.....
(Signature of intended wife)

Declared by both parties above named at.....this.....day of.....19...., before me.....

(Signature of District Judge)

3. If the above declarations are satisfactorily made before the District Judge he shall grant a license in the following form :

No.....District of.....I hereby certify that.....of.....son of.....of.....and.....of.....daughter of.....of.....having complied with the law, there is no impediment to their marriage.

Dated this.....day of.....19.....

.....
District Judge.

4. No marriage shall be celebrated until the license in the above form shall have been issued, and any person celebrating any marriage contrary to the provisions of this Regulation shall be deemed guilty of an offence against this Regulation.

5. Any person who shall wilfully make any false statement in the declaration required to be made shall be deemed to be guilty of an offence against this Regulation.

6. Upon such license being produced at any time, within three months after the issue of the same, to any minister of any Christian Religion duly appointed or ordained, and duly registered in the Office of the Secretary of Native Affairs, or to any District Judge, it shall be lawful for him to marry the parties therein named. All persons are strongly urged to present the certificate to a minister as aforesaid to sanctify the marriage.

7. No marriage shall be void by reason only of the same having been celebrated by a person not a duly registered minister, if either of the parties to the marriage really believed at the time that he was a duly registered minister.

8. Should any District Judge refuse to the applicants a marriage license they may appeal to the President of the High Court who shall either confirm the refusal or shall direct the issue of the license by the District Judge.

9. The presence of two witnesses, at the least, is requisite for the due celebration of a marriage and the minister or the District Judge, the parties to the marriage and the witnesses shall sign in duplicate a certificate in the following form :

(c) The District Judge shall charge and receive, or a clergyman may charge and receive, from each couple One Dollar (\$1.00) for performing the ceremony of marriage.

2. Any official or clergyman charging any higher fee or any other fee than specified above, shall, upon conviction, be liable to a fine not to exceed Twenty Five Dollars (\$25), or to imprisonment in the jail at hard labor for a period not exceeding one month, and in addition thereto shall pay to the person so overcharged twice the total amount of the fee or fees received by the said official or clergyman.

3. A fee of Five Dollars (\$5.00) shall be paid for any permit to marry issued by the Governor. The fees for license and for performing the marriage ceremony in such case shall be the same as hereinbefore specified.

Regulation No. 1-1911, enacted March 16, 1911, by W. M. Crose, Commander, U.S.N., Governor.

Sec. 34. DIVORCE.

1. The High Court shall be a Court of Divorce or for Matrimonial Causes generally and as such shall, as far as circumstances admit, have with respect to persons subject to the jurisdiction of the Court, all such jurisdiction as for the time being belongs to the Courts of Justice of the United States in Matrimonial Causes. The Court, sitting as may be directed by the President of the High Court, may dissolve any marriage contract and grant a decree of divorce, or may grant a decree of judicial separation for any of the following causes :

- (a) Adultery;
- (b) If the husband have a previous undivorced wife still living or the wife have a previous undivorced husband still living;
- (c) Habitual cruelty or ill usage;
- (d) Desertion for one year or more;
- (e) If any married man or woman be condemned to imprisonment for a term of ten years or more or for life.

2. Application for restitution of conjugal rights or for judicial separation, or for dissolution of the marriage contract on any of the grounds aforesaid may be made by either husband or wife by a petition to a District Court and the said Court shall serve a copy of the petition on the party to be affected thereby, either within or without American Samoa, in such manner as the Court shall by any general or special order from time to time direct and for that purpose the District Courts shall have and exercise all the powers they now possess by law: *Provided*, that the District Court may dispense with such service altogether in case it shall deem it necessary or expedient so to do.

3. The District Court shall examine all parties and witnesses in the same way as if the matter before it were an action pending in its ordinary jurisdiction and it shall be the duty of the District Court to take all evidence, as far as it reasonably can, not only as to the facts alleged in the petition but also as to whether or not the petitioner has been in any manner accessory to or conniving at the offence alleged, or has condoned the same and shall also inquire into any counter charge which may be made against the petitioner, and upon the conclusion of the testimony, in the suit or proceeding, the District Court shall forward all evidence and documents connected with the proceedings to the High Court for determination.

Note :—The putting asunder of man and wife is not a good thing, therefore the Judges shall strive to promote reconciliation; let the parties be carefully examined, cautioned and reprov'd with the object of bringing them to live together again in peace. If a reconciliation is brought about at any time before a divorce is issued, it shall not be issued and all proceedings in the case shall cease.

4. If the High Court, on the evidence thus presented to it in relation to any petition, is not satisfied that the charges therein stated have been proved as laid or finds that the petitioner has, during the marriage, been accessory to or conniving at the offence of the other party to the marriage, or has condoned the offence complained of (and such condonement may be presumed by the voluntary cohabitation of the parties with knowledge of the offence), or that the petition is presented or prosecuted in collusion with the parties to the marriage or with any person liable to be made a co-respondent, the High Court shall dismiss the petition.

5. A divorce shall not be granted by the High Court, unless either the petitioner or the respondent has been a *bona fide* and continuous resident of American Samoa for at least one year next preceding the commencement of the action.

6. If the High Court is satisfied on the evidence that the case of the petitioner has been proved, and finds also that there is no legal ground why the petition should not be granted, the High Court may decree such resitution of conjugal rights, or judicial separation, or dissolution of marriage accordingly, and where the petition is presented by the wife may make an order for such alimony as shall be deemed just.

7. The High Court shall not be bound to pronounce a decree of dissolution, if it find that the petitioner has during the marriage been guilty of adultery, or if the petitioner, in the opinion of the Court, has been guilty of unreasonable delay in presenting or prosecuting such petition, or of cruelty to the other party to the marriage, or of having deserted or wilfully separated himself or herself from the other party before the adultery complained of and without reasonable excuse, or of such wilful neglect or misconduct as has conduced to the adultery.

8. No decree *nisi* for a divorce shall be made absolute until after the expiration of six calendar months from the pronouncing thereof, unless the Court shall fix a shorter time.

9. When in any petition presented by a husband, the alleged adulterer has been made a co-respondent and the adultery has been established, the High Court may order the adulterer to pay damages, and the whole or any part of the costs of the proceedings and such damages shall be paid or applied in such manner as the Court directs, and it shall be lawful for the Court to direct that the whole or any part thereof shall be settled for the benefit of the children, if any, of the marriage, or as a provision for the maintenance of the wife: *Provided*, that if any such petition be dismissed no damages shall be given to or on the behalf of any such petitioner.

Regulation No. 9-1900, enacted June 4, 1900, by B. F. Tilley, Commander, U.S.N., Commandant. Amended by Regulation No. 4-1907, enacted June 24, 1907, by C. B. T. Moore, Commander, U.S.N., Governor.

Sec. 35. EDUCATION.

1. There shall be a Superintendent of Education, and such other officers of the Department of Education, as may be deemed necessary, all of whom shall be appointed by the Governor.

2. It shall be the duty of the Superintendent of Education to perform all such duties concerning education as may be assigned to him by the Governor. He shall prepare an annual report on the conditions of education, and submit it to the Governor on June 30th each year.

3. There shall be established a Board of Education, consisting of five (5) members, who shall be appointed by the Governor.

4. Subject to the provisions of this Regulation, this Board is assigned the following duties :

(a) To advise the Governor in all matters pertaining to schools and to the education of the natives;

(b) To forward all reports to the Governor through the Superintendent of Education;

(c) To assist the Superintendent of Education in carrying out the provisions of this Regulation;

(d) To keep a record of the proceedings, investigate the educational conditions which exist in American Samoa, and make such reports and suggestions to the Governor, from time to time, as in its opinion may be advisable;

(e) To perform such other duties, as may, from time to time, be assigned by the Governor.

5. The Board shall meet semi-monthly in Pago Pago, at a time specified by the Governor: *Provided*, special meetings may be convened by the Superintendent of Education upon the request of three members of the Board, and at such other times as the Governor or Superintendent of Education may deem proper. At all meetings of the Board, three members shall constitute a quorum.

6. There shall be three classes of public schools under the the control of the Department of Education, namely:

(a) Primary Schools. These shall provide an elementary education on a vernacular basis.

(b) Intermediate Schools. These shall provide an intermediate education on an American basis.

(c) High Schools. These shall provide a secondary education. There shall be taught Manual Training and Agriculture, and such other subjects, as may from time to time be prescribed by the Governor, upon the recommendation of the Superintendent of Education.

7. The Board of Education shall recommend to the Governor the establishment of a new school in any locality, when there is no school within a reasonable distance: *Provided*, it appears that the attendance at such school will be sufficient to warrant the expenditure necessary for its maintenance.

8. It shall be incumbent upon the tax payers of any village, in which a primary school is established, to build and maintain in an efficient manner a suitable building for the school, and a suitable house for the teacher. All such buildings shall be erected according to instructions from the Governor.

9. When any primary school building or teacher's house is to be built in any village, the pulenuu of such village shall apportion the work among the tax payers of his village, and in places where two or more villages combine for the establishment of one school, the work shall be apportioned among the taxpayers of each village, and whoever shall neglect to assist in building, or maintaining such teacher's house or school building, when directed to do so, as aforesaid, shall upon conviction be liable to a fine not to exceed Fifteen Dollars, (\$15), or imprisonment not to exceed two months, with or without hard labor, in the discretion of Court.

10. When it is possible, there shall be set aside, if the Governor so determines, for every school established under this regulation:

(a) A suitable tract of land immediately around the school building, as a play-ground for the children;

(b) A suitable tract of land, within reasonable distance from the school, as an agricultural experiment station for the students of the school, and as a garden for the teacher.

11. The Superintendent of Education shall recommend to the Governor that any school shall be closed:

(a) If the attendance is not sufficient to justify the expense of maintenance;

(b) If a village fails to maintain its school in an adequate and satisfactory manner.

12. The Superintendent of Education shall cause to be prepared, from time to time, a syllabus of the subjects taught in each class of public school, specifying the extent of each subject that shall be taught in each of the several grades. There shall not be any denominational or sectarian religious instruction in any public school.

13. Every public school shall be open for instruction for at least four (4) hours a day; Fridays, Saturdays and Sundays and such other holidays as may hereafter be provided by this Regulation excepted.

14. The school books used in the public schools shall be those adopted by the Board of Education and approved by the Governor.

15. The Superintendent of Education shall designate the several school supplies to be purchased by the pupils of each grade, and should any child fail to obtain any article so designated, the parent or guardian of such child shall, upon conviction, be liable to a fine not to exceed Fifteen Dollars (\$15), or imprisonment not to exceed two months, with or without hard labor, in the discretion of the Court.

16. Every public school shall be open at all times to the visits of the Inspection Officer.

17. No tuition shall be charged for instruction in any public school: *Provided*, that any teacher may establish classes of instruction for pupils not of school age, or in subjects not forming a part of the ordinary school course, and in such classes, fees may be charged: *Provided*, the scale of fees is approved by the Superintendent of Education, and that the classes are not held during regular school hours.

18. It shall be lawful for the teacher of a public school to forbid the attendance of any pupil for the following reasons:

- (a) Lack of cleanliness;
- (b) Having a contagious or infectious disease;
- (c) Gross misconduct.

The parents or guardians of any child, whose attendance has been forbidden, shall have the right of appeal, first to the Superintendent of Education, and finally to the Governor.

19. Every public school shall be visited at least once a quarter by an Inspection Officer. For the purpose of this Regulation, the Superintendent of Education shall be considered an Inspection Officer.

20. When the teacher or manager of any school, other than a public school, (hereinafter called a private school) established under this Regulation, shall desire to have such school inspected, such teacher or manager may apply to the Governor to authorize such inspection, and the Superintendent of Education shall thereupon arrange for the inspection of such school. The inspection shall be conducted in like manner as the inspection of public schools. A school inspected in accordance with this sub-section shall be considered a school subject to inspection, within the meaning of sub-section 21 of this Regulation.

21. Subject to the provisions of this Regulation, every child over the age of five years, who has not completed the minimum educational requirements prescribed by the Board of Education, is required to have his or her name enrolled upon the register of some public school, and to attend that school whenever it is open for instruction: *Provided*, that any parent or guardian may claim exemption on behalf of his child or ward, on any of the following grounds:

(a) That the child is under efficient and regular instruction in a private school (Efficient instruction means instruction of a standard at least equal to that prescribed for the primary grade, and in a private school subject to inspection);

(b) That the total distance that the child would have to travel from his or her place of residence is more than three miles;

(c) That the child is unable to attend on account of sickness, or for good and sufficient reasons has been excused by the Secretary of Native Affairs;

(d) That the child has passed the examination prescribed for grade four in the primary schools.

22. If any child required to attend a public school by this Regulation, does not attend, the teacher of the school, nearest which the child resides, shall give the parent or guardian of such child a notice in writing, through the pulenuu of the village in which the child resides, calling upon such parent or guardian to send such child to school. Any parent or guardian, who after receiving such a notice does not comply with the same, within one day after the receipt, shall be liable to a fine not to exceed Fifteen Dollars (\$15), or imprisonment not to exceed two months, with or without hard labor, in the discretion of the Court. The pulenuu and policeman of each village shall be truant officers and they shall assist the public school teachers in compelling truant children to attend school.

23. The teacher in charge of each public school shall keep such registers and records and in such manner as may be ordered by the Superintendent of Education.

24. The Superintendent of Education shall appoint, with the approval of the Governor, persons of either sex and of good moral character, to be teachers in the public school: *Provided*,

(a) That all vacancies shall be filled by teachers who have certificates;

(b) That all appointments and promotions shall be based on merit.

25. The Governor may dismiss any teacher from the service by giving him or her at least one month's notice of his intention to do so, except in cases of immoral conduct, when no notice shall be necessary. When a teacher desires to resign, notice in writing, at least a month prior to the date the resignation is to become effective, shall be given to the Superintendent of Education.

26. The Superintendent of Education, with the approval of the Governor, shall have power to transfer any teacher from one public school to another: *Provided*, that this power is exercised:

(a) To reward a teacher for excellent service and results;

(b) To punish a teacher for negligence or incompetence;

(c) At a request of a teacher.

27. In all cases of dismissal or transfer, the teacher shall be notified in writing, and informed of the reasons therefor.

28. Any person desiring an appointment to a public school, or any teacher desiring to be transferred, or to make protest against transfer or dismissal from any public school, shall make the necessary application or protest, in writing, to the Superintendent of Education. The application or protest of any person or teacher, coming through any other channel, to secure an appointment or transfer or to register a protest will not be considered.

29. Annual examinations shall be conducted at Pago Pago for the examination of teachers, or applicants for teacher's certificates. The scope and method of these examinations and the certificates to be issued to the successful candidates shall be such as may hereafter be prescribed by the Superintendent of Education.

30. The number of teachers in each public school and the salaries of the teachers shall be prescribed by the Governor.

31. The following shall be considered school holidays, and no school shall be taught on these days:

(a) New Year's Day, Washington's Birthday, Flag Raising Day, Decoration Day, Independence Day, Labor Day, Thanksgiving and Christmas;

(b) Four weeks beginning the first Monday in August;

(c) Four weeks beginning the third Monday in December;

(d) Special holidays not exceeding four days, which shall be reported immediately by the teacher to the Superintendent of Education.

Regulation No. 14-1914, enacted July 28, 1914, by C. D. Stearns, Commander, U.S.N., Governor; repealing Regulation No. 1-1912, enacted February 23, 1912, by W. M. Crose, Commander, U.S.N., Governor.

Sec. 36. MANUFACTURE OR BREWING OF VINOUS, SPIRITUOUS, MALTED AND FERMENTED LIQUORS.

1. No vinous, spirituous, fermented, or malted liquors shall be made or manufactured by any process whatsoever within the limits of American Samoa.

2. This Regulation shall not be held to apply to the manufacture of liquors commonly known as "temperance drinks", requiring fermentation in the first stage; but any person desiring to manufacture any such drinks, must first obtain from the Governor a license enabling such person to do so.

3. The issuance of any such license shall be in the discretion of the Governor and shall be subject to any conditions the Governor may deem fit to impose.

4. The fee to be paid for any license which may be issued by the Governor under this Regulation shall be Sixty Dollars (\$60).

5. Any person guilty of a violation of any of the provisions of this Regulation shall, upon conviction, be liable to a fine in a sum not exceeding Two Hundred and Fifty Dollars (\$250), or to be imprisoned for a term not exceeding six months, with or without hard labor, in the discretion of the Court, and shall also be liable to have his license cancelled by the Governor upon the recommendation of the Court.

Regulation No. 3-1903, enacted August 6, 1903, by E. B. Underwood, Commander, U.S.N., Commandant.

Sec. 37. IMPORTATION OF INTOXICATING LIQUORS.

1. The importation into American Samoa, by any person whomsoever of wines, beers, and spirituous liquors is prohibited, unless the person desiring to import the same shall have first obtained in writing a permit from the Governor enabling the person desiring to import the liquors stated in the permit to do so.

2. Any person infringing or committing a breach of, or aiding or abetting any person to infringe or commit a breach of this Regulation, or any person in any way connected with the person committing a breach of, or infringing this Regulation, either as carrier, purchaser, receiver, or otherwise, shall be liable, upon conviction, to be punished by imprisonment for a term not exceeding six months, with or without hard labor, in the discretion of the Court, or by a fine not exceeding the sum of Two Hundred and Fifty Dollars (\$250). And all goods imported, or attempted to be imported contrary to this Regulation, may be seized, forfeited, and dealt with as thought fit by the Governor.

Regulation No. 10-1900, enacted June 25, 1900, by B. F. Tilley, Commander, U.S.N., Commandant.

Sec. 38. INTRODUCTION AND USE OF ALCOHOLIC LIQUORS ON GOVERNMENT PROPERTY.

1. The use or introduction for drinking purposes of alcoholic liquors is strictly prohibited on or within the following property, to-wit: The property of the United States Government on the southern side of Pago Pago Harbor, beginning at the southern or Utulei boundary of the vacant lot lying south of the lot upon which is the building known as the quarters Nos. 26 N. and 26 S., extending thence north along the public road to the point where such road turns in a westerly direction, thence along said road on both sides to the western boundary of the lot on which is the building known as quarters No. 25; the quarantine station known as Goat Island, the Samoan Hospital property; the pieces of property on the north side of Pago Pago Harbor used as a cemetery and for school purposes respectively; and all other property in American Samoa owned, leased, used, or occupied by the United States or the Insular Government of American Samoa, for Governmental purposes. Any person violating this Regulation shall be liable to a fine of not exceeding Two Hundred and Fifty Dollars (\$250), or imprisonment for a term not exceeding six months, with or without hard labor, in the discretion of the Court.

Regulation No. 15-1914, enacted December 11, 1914, by C. A. Woodruff, Lieutenant, U.S.N., Acting Governor; repealing Regulation No. 13-1914, enacted July 21, 1914, by C. D. Stearns, Commander, U.S.N., Governor.

Sec. 39. SUPPLYING INTOXICATING LIQUORS TO NATIVES.

1. In this Regulation the term "native" shall mean not merely an aboriginal native of Samoa but an aboriginal native of India, of Fiji or of any island in the Pacific Ocean, or any person born of a foreign father with a Samoan mother and who cannot by law be recognized as being a subject or citizen of the country of which his father is a subject or citizen, and the term "liquor" shall mean any wine or other spirituous or fermented liquor or any liquid used for drinking any portion of which is spirituous or fermented.

2. No spirituous, vinous or fermented liquors or intoxicating liquor or drink whatever shall be sold, furnished to or procured for any native by any person, except as hereinafter provided.

3. If any person, except as hereinafter provided, shall sell, supply to, or procure for any native any liquor or drink as aforesaid or shall aid or abet in any way in the giving, selling, supplying or procuring any liquor in any form or quantity to or for any native, he shall be guilty of an offence against this Regulation and, on conviction, shall be liable to a fine not exceeding One Hundred Dollars (\$100), or, in default of payment, to imprisonment for a term not exceeding one hundred days, with or without hard labor, in the discretion of the Court.

4. It shall not be lawful for any native to possess or have in his possession any liquor, or to drink any liquor, and any native so doing shall, on conviction, be fined in a sum not exceeding Twenty Five Dollars (\$25), or, in default of payment, be imprisoned for a term not exceeding twenty five days, with or without hard labor, in the discretion of the Court.

5. Nothing in this Regulation shall be held to apply

● (a) To a minister of religion, giving wine in conformity with any religious rite;

(b) To any person who shall give to any native for any urgent cause or necessity, and without recompense or remuneration, any liquor, when such liquor is given solely and purely for medicinal purposes; but

it shall rest with the person giving such liquor to prove satisfactorily the existence of such urgent necessity and, failing such proof, such person shall be liable to the punishment provided for in sub-section 3 of this Regulation.

6. Any charge laid as to any offence against this Regulation, shall be laid within a period of six months from the commission of such offence.

Regulation No. 3-1900, enacted April 28, 1900, by B. F. Tilley, Commander, U.S.N., Commandant.

Sec. 40. ALIENATION OF NATIVE LANDS.

1. The word "native" in this Regulation shall mean and include aboriginal natives of the Islands of Samoa, and the word "non-native" shall mean and include any other person. The term "native land" shall mean and include lands owned by a native.

2. From and after the coming into force of this Regulation the alienation of native lands within the limits of American Samoa, to a non-native, is prohibited. But this Regulation shall not prohibit the conveyance or transfer of native land, for governmental or public purposes, to the United States Government or the Island Government of American Samoa, or to a lawful agent or trustee thereof.

3. Native land may, with the sanction of the Governor be leased for any term not exceeding forty years for any purposes, except for the working of minerals and cutting of timber.

4. Provisional agreements for the leasing of native land may be entered into with the native proprietor or proprietors. Every such provisional agreement, stating in full its terms and conditions, shall be submitted with a plan showing the situation of the land to the Governor for approval and it shall have no validity until such approval shall have been signified in writing.

5. All leases of native land approved of under this Regulation shall be conditional on the occupation or cultivation of at least one-tenth the area of the land leased, by the lessee within a period of two years from the date of approval. On failure of this condition, or failing the continuous occupation or cultivation of the land, for any period of five years after the date of approval, the Governor may, if he deems it necessary and expedient, cancel the lease, and the land shall revert immediately to the native lessor.

6. The lessee must, within two calendar months after the provisional agreement to lease has been approved by the Governor, deposit in the office of the Governor, a properly drawn up and legally attested lease for confirmation under the hand and seal of the Governor, and such lease shall be registered in a book to be styled "Registration of Native Leases", kept in the office of the Secretary of Native Affairs.

7. This Regulation shall not apply to any native proprietor of land who desires to make provision for his son or daughter, in view of legal marriage with a non-native, or for his son or daughter already married to a non-native, or for any of the issue of any such marriage by deed or will in favor of a trustee to hold in trust for the use of such son or daughter or such issue.

8. Any native committing, or attempting to commit a breach of the foregoing Regulation or any part thereof shall, upon conviction, be liable to a penalty not to exceed a fine of Two Hundred Dollars (\$200), or in the discretion of the Court to the forfeiture to the Government of the whole or portion of the land leased or attempted to be leased, and any non-native failing to conform to this Regulation shall, upon conviction, be liable to the forfeiture of all improvements

he may have erected or made on the land and no action shall lie for the recovery of any payment he may have made or other expenditure he may have incurred in respect thereof.

Regulation No. 4-1900, enacted April 30, 1900, by B. F. Tilley, Commander, U.S.N., Commandant. Amended by Regulation No. 5-1913, enacted November 12, 1913, by C. D. Stearns, Commander, U.S.N., Governor.

Sec. 41. ACQUISITION OF LAND FOR PUBLIC PURPOSES.

Whereas by the instrument of cession of the Islands now constituting American Samoa, to Commander B. F. Tilley, U.S.N., Commandant of the United States Naval Station, for and on behalf of the United States Government, it was among other things provided that "If the said Government shall require any land or any other thing for Government purposes, the Government may take the same upon payment of a fair consideration for the land or other thing to those who may be deprived of their property on account of the desire of the Government."

Be it therefore enacted :

1. It shall at all times be lawful for the Governor of American Samoa, to purchase lands for public purposes from the proprietors thereof, and to compensate by private agreement the parties who may be injuriously affected by the Government of the United States entering into possession of any land.

2. When an agreement has been entered into with the proprietors of land for a sale thereof, a transfer shall be executed in favor of the Governor for the time being, on behalf of the United States Government.

3. Where lands are required by the United States for public purposes and no purchase has been made, a notice under the hand of the Registrar of Titles shall be served upon the proprietor of the said land, and upon the mortgagees, encumbrancees and lessees thereof, or upon such of the said parties as shall after diligent inquiry be known to the Registrar of Titles. Every such notice shall describe distinctly the lands to be taken, and shall call upon the proprietors or parties aforesaid to appear before the Registrar of Titles for the purpose of determining the sum, if any, to be paid to them as compensation for such lands, at such a day as may be fixed therein, but which shall not be less than one month from the date of service. The notice shall be in the form prescribed in Schedule A, page 46, or as near thereto as circumstances will permit, and so soon as served, a duplicate thereof, under the hand of the Registrar of Titles, showing upon whom the same has been served shall be lodged in the High Court, which shall have the effect of commencing an action in the High Court at the instance of the Government against the parties so served, for the purpose of ascertaining the sum, if any, to be paid as compensation for such lands.

4. Where the proprietors, mortgagees, encumbrancees or lessees shall be resident within American Samoa, the notice shall be served upon them personally; and where resident elsewhere, by registered sent letter to their last known place of abode, and all such notices shall also be published at the office of the Registrar of Titles.

5. Where the proprietors, mortgagees, encumbrancees or lessees reside outside American Samoa, and their address or places of abode are unknown, the notice shall be left with the occupant of the land, or, if there be no occupant, shall be affixed upon some conspicuous part of such land, and shall be published in such newspaper and in such manner as the Registrar of Titles thinks would best give publicity to the action of the Government.

6. The appearance in answer to the notice shall be entered in the office of the Registrar of Titles, and the parties appearing shall state specifically the compensation which they demand. Where any of the parties, who shall appear from

the duplicate notice of the Registrar of Titles lodged with the High Court to have been served with such notice, shall not have entered appearance, it shall be in the discretion of the Registrar of Titles to give such further notice as it may seem expedient, or to proceed with the fixing of compensation without further delay.

7. The Government shall, within fourteen days after the appearance has been entered, file with the Registrar of Titles a reply to each of the demands, stating with precision whether the sum demanded will be paid as claimed, or if not, tendering a sum for each specific claim; or, where the claim is not admitted, stating the grounds for such refusal to admit. If the parties are willing to accept the sum tendered by the Government, they shall within eight days file their acceptance with the Registrar of Titles.

8. If the Government agrees to pay the sums demanded, or if the parties accept the sums tendered by the Government, and there shall be no contention between them, the Registrar of Titles shall thereupon and without further hearing report to the High Court recommending that the Government be declared the proprietor of the land. In the event of the acceptances or tenders not meeting precisely the offers or claims, the Registrar of Titles shall direct the Government and the parties to be heard before him, and shall either adjust the acceptances and tenders respectively or direct that the course be adopted which is herein provided when the Government and parties are at issue.

9. The Registrar of Titles shall upon a satisfactory adjustment of the acceptances and tenders report to the High Court, recommending that the Government be declared the proprietor of the land, and upon the judgment and order of the Court being rendered the Registrar of Titles shall issue a certificate of title according to the said order and judgment.

10. Where the Government shall not agree to pay the sum demanded, or any sum, or where the parties or any of them shall not accept the tender made by the Government, the sum to be paid by the Government, if any, shall be determined by reference to arbitration.

11. The number of arbitrators shall be three, one to be nominated by the Governor on behalf of the Government, one by the person or persons claiming compensation, and one, who shall be chairman of the arbitrators, to be nominated by the arbitrators appointed.

In the event of the persons claiming compensation not agreeing upon any arbitrator, or the arbitrators appointed failing to agree upon a third arbitrator, by a day to be fixed by the Registrar of Titles, an arbitrator shall be named and appointed for them by the Registrar of Titles. The award shall be determined by the voice of the majority; but in the event of the award being immoderate and excessive, it shall be in the power of the High Court to order, on motion of the Government, the same to be cancelled and the matter to be submitted to new arbitrators. Payment to arbitrators shall be made by the Government for the time they are actually engaged in hearing the cause, and for their travelling expenses to and from the place of hearing, the same to be fixed by the High Court, but not to exceed Twenty Dollars (\$20) per diem.

12. The arbitrators shall make their award within one month after they have entered on the reference, or have been called on to act by a notice in writing from any party, unless the document authorizing or making the reference contains a different limit of time.

13. The chairman of arbitrators making an award shall, within the time limited, deposit the award with the Registrar of Titles, enclosed in a sealed cover and endorsed with the names of the parties to the reference, and with a note of the amount claimed by the arbitrators for remuneration.

14. The Registrar of Titles shall open the award, and shall forward a copy of the same to the parties if requested, and shall forward a copy of the award, with a report thereon, to the High Court for final judgment.

15. When the said award has been made a judgment of the High Court, the Court shall give such further directions with regard to the title as may be necessary, and the Registrar of Titles shall issue to the Government such title as the Court may order.

16. In the event of the Government being desirous to enter upon the possession of the lands immediately after the service of the notice, it shall be competent for the Registrar of Titles to add to the said notice an intimation to that effect; and any injury sustained by the lands being so taken shall be a ground for compensation to the occupant, whether lessee or not, as well as to the lessors, or proprietors thereof. When the Government has not given such notice, and desires to enter upon the lands at any time during the proceedings before the rights of the parties and the amount of compensation are determined, it shall be competent to give notice to the parties at any time and for the Registrar of Titles to fix a day for the entering of the Government.

17. When any question arises as to the legal capacity of any claimant for compensation to give a discharge for the payment of the sum agreed to be paid, or tendered, or awarded, the Registrar of Titles shall give such directions in regard thereto as may seem best fitted to meet the case.

18. When the parties upon whom the notice has been served, or the parties set forth in the duplicate notice lodged with the High Court, do not appear, the Registrar of Titles may nevertheless proceed to fix the amount of compensation by arbitration, and to order that the amount awarded may be paid by the Government, without any interest to the claimants, on demand, at any time within seven years of the date of the order.

19. When it is desired to acquire lands for public purposes for the Island Government of American Samoa, the procedure prescribed in the foregoing subsections of this Regulation shall be followed.

Schedule A.

To.....

Take notice that by virtue of sub-section 3 of Section 41 of this Codification, regulating the acquisition of lands by the Government for public purposes, the Government requires for public purposes the following lands, that is to say :

(Description)

And you are hereby called upon to appear before the Registrar of Titles on the.....day of.....next for the purpose of determining the sum, if any, to be paid to you as (state as proprietor, mortgagee, lessee, etc.) by way of compensation for the said lands.

Given under my hand this.....day of.....at.....

And notice is also hereby given that the Government will on the.....day of.....next enter into possession of the said land without further notice.

Regulation No. 20-1900, enacted November 14, 1900, by B. F. Tilley, Commander, U.S.N., Commandant.

Sec. 42. LEASE OF NATIVE LANDS FOR SCHOOL PURPOSES.

1. Any person, corporation, organization, society or association may lease for school purposes so much native land as is actually necessary for such purposes for a period of not more than forty (40) years, with a right to provide in said lease for any number of renewals thereof for a like period: *Provided*, that such

lease, and the renewals thereof, shall be approved by the Governor of American Samoa, that the school conducted on such leased premises shall be subject to Governmental supervision, and that such instruction in English, as the Governor may direct, shall be given regularly in such school.

2. Unless a school is conducted upon such leased premises within one year from the approval of such lease, or if for any period of two years after the date of its approval, no school is conducted thereon, the Governor may cancel such lease and the land shall immediately revert to the native lessor.

Regulation No. 8-1914, enacted March 10, 1914, by C. D. Stearns, Commander, U.S.N., Governor.

Sec. 43. TRESPASS UPON NATIVE LAND.

1. Any person who now is and has been in the possession of any parcel of land in American Samoa, or has been using the fruits thereof openly and notoriously for any period greater than one year shall not be disturbed in the possession or use of the land by any person whomsoever, except by due process of law.

2. Any person who shall enter upon the lands in the possession or use of another, or shall plant thereon, or harvest the produce thereof without lawful authority, shall, upon conviction before the Court, be deemed guilty of trespass and shall be punished accordingly.

3. Any person claiming title to land in the occupation of another person may state in writing such claim and file the same in the High Court of American Samoa, and such claim, when filed, shall be deemed an arrest of the running of the statutory period governing title by adverse possession.

Regulation No. 7-1907, enacted July 27, 1907, by C. B. T. Moore, Commander, U.S.N., Governor.

Sec. 44. REGISTRATION OF LANDS BY PERSONS OTHER THAN SAMOANS.

1. All persons other than Samoans, claiming title of any nature whatsoever to land within the limits of American Samoa, or claiming any interest in any such title, must have, within three months from April 8, 1901, forwarded to the Registrar of Titles, notice of such claim, together with a description of the land claimed, and a correct statement of the nature of the claim, and all documents and other instruments concerning or affecting such title, for registration in the Land Records of American Samoa.

2. The Registrar of Titles, upon receipt of any notice as aforesaid must have entered the time of presentation, with a short description of every instrument forwarded with such notice.

3. No claim to land should have been admitted to registration unless the Registrar of Titles was satisfied that there was no conflicting claim thereto, and unless the description was sufficient to identify clearly the boundaries of the land; and in case there was a conflict of title, the Registrar of Titles should have reported to the High Court of American Samoa for final decision; and upon the determination by the High Court of any claim, the Registrar of Titles should have admitted such claim to registration as was recommended by the High Court.

4. In case of any dispute as to priority of registration before or after a settlement by the High Court, the time of presentation of the claim shall govern such priority.

Regulation No. 2-1901, enacted April 8, 1901, by B. F. Tilley, Commander, U.S.N., Commandant.

Sec. 45. REGISTRATION OF MATAI TITLES.

1. Every Matai in American Samoa must have forwarded his title and designating name to the Secretary of Native Affairs before October 31, 1906.

2. Every person succeeding to the title of Matai after October 31, 1906, must give notice to the Secretary of Native Affairs of such succession for registration.

3. If the Secretary of Native Affairs is satisfied that the claimant to the title has a right to the same he shall, after thirty days notice, issue a certificate to the applicant stating the date of registration, and until the certificate of registration has been obtained no title shall be recognized.

4. In case of any dispute as to the succession of a Matai Title, the Secretary of Native Affairs shall not register the name of the claimant until the same shall be determined by law.

5. A fee of One Dollar (\$1.00) shall be charged for each certificate issued, and all fees collected shall be paid into the Island Treasury for the use of the Island Government.

Regulation No. 8-1906, enacted September 14, 1906, by C. B. T. Moore, Commander, U.S.N., Governor.

Sec. 46. INELIGIBILITY FOR TITLE OR OFFICE BECAUSE OF NON-RESIDENCE.

1. No person, not being a bona fide native of American Samoa, or who has not resided continuously within the limits of American Samoa for five years immediately proceeding the vacancy of a title shall be eligible to succeed to any title which may, by law, enable the holder of the title to take a public office, and no person ineligible to such title shall be allowed to vote or exercise any authority of any kind in the bestowal thereof.

2. Any title which may be bestowed on any person contrary to the provisions of this Regulation shall not, in any way whatsoever, be recognized.

3. Any native of American Samoa who shall accept any title or office under any other Government than the Government of American Samoa, which removes his domicile from American Samoa, shall be considered as having surrendered his status under this Government, and, in order to regain his status as a citizen of American Samoa, shall be required to reside continuously for five (5) years within the limits of American Samoa after the surrender of any foreign title which he may have accepted, before being able to resume his status as a citizen of American Samoa and have a vote in the control of titles.

Regulation No. 11-1907, enacted November 11, 1907, by C. B. T. Moore, Commander, U.S.N., Governor.

Sec. 47. INELIGIBILITY FOR OFFICE OR MATAISHIP BECAUSE OF CRIME.

1. No person who shall, after the enactment of this Regulation, be convicted of and sentenced for murder, attempt to commit murder, rape, attempt to commit rape, burglary, robbery, larceny, embezzlement, false pretense, forgery, perjury, smuggling, selling intoxicating drink to natives, or any infamous crime, or aiding or abetting therein, shall be eligible to hold any office or position of honor, trust or profit under the Government of American Samoa, or be permitted to register a Matai name; and a pardon granted such person shall not restore his eligibility to such office or position, or his right to register a Matai name, unless it is expressly so provided.

Regulation No. 11-1914, enacted April 4, 1914, by C. D. Stearns, Commander, U.S.N., Governor.

Sec. 48. ADOPTION OF CHILDREN.

1. There shall be kept in the office of the Secretary of Native Affairs a register to be known as The Register of Adopted Persons.

2. Every Matai residing in American Samoa must have forwarded to the Secretary of Native Affairs for registration in said register the name or names of all persons who were then living in his family as his adopted child or children, on or before October 1, 1907.

3. When a Matai, after October 1, 1907, shall adopt any person in his family, he shall thereupon give notice of said adoption to the Secretary of Native Affairs.

4. In all judicial proceedings and in all rights of inheritance, an adopted person shall not be recognized and shall not inherit real estate unless his or her name has been recorded as herein provided.

5. After the registration of adoption, as herein provided, the Matai and the adopted person shall sustain toward each other the legal relation of parent and child, and have all the rights and be subject to all the duties of that relation, and such registration shall thereby terminate all the rights and legal responsibilities and incidents existing between the adopted person and his or her natural parents.

6. No person shall be adopted by more than one Matai at any one time.

7. When a Matai shall give notice of the adoption of any person by him, he shall state the names of the natural parents of the adopted person, except in cases of illegitimacy, when only the name of the natural mother shall be given: *Provided*, nevertheless, in cases of adults being adopted, if the adopting Matai shall show to the Secretary of Native Affairs good cause for not stating the names of the natural parent or parents, then the registration of such names may be waived, and entry thereof to that effect shall be made in the register.

8. If a child to be adopted is under the apparent age of fourteen years, the Secretary of Native Affairs shall, before recording the adoption, ascertain if the consent of the natural parents of the child or such one of them as shall be living at the date of such notice, or if both parents be dead, then of the guardian, has been obtained, or if one of such parents has deserted and ceased to care for and maintain such child, then if the consent of the other of them has been obtained; but no consent shall be required if the child has been deserted, or both natural parents are dead and there should be no guardian.

9. In all cases of adoption, when the person to be adopted is above the apparent age of fourteen years, his consent must be obtained before registration.

10. A fee of One Dollar (\$1.00) shall be charged for each person registered.

Regulation No. 5-1907, enacted June 27, 1907, by C. B. T. Moore, Commander, U.S.N., Governor.

Sec. 49. REGISTRATION OF DEEDS.

1. In this Regulation, the word "instrument" shall mean and include any grant, certificate of title, conveyance, transfer, assignment, mortgage, lease, power of attorney, will, probate, exemplification of will, letter of administration, judgment, decree, execution, sequestration, attachment, or a certified copy of the probate of such will, or of such letters of administration, or of such judgment, decree, execution, sequestration, attachment, or other proceeding, or any other document or writing affecting land or an interest therein, within the limits of American Samoa.

2. All books of registry, and the records contained in them, and the indexes of their contents, shall be public records, and open to the inspection of the public

at the Registration Office, in the presence of the Registrar of Titles, during office hours.

3. Due registration of an instrument relating to land or an interest therein, proper for registration, shall be notice of the contents of such instrument to all persons thereafter dealing with such land or interest therein.

4. An instrument shall be ineffectual to pass the title of any land or portion thereof, or render such land liable as security for the payment of money unless, and until, such instrument shall have been duly registered in the Land Records of American Samoa.

5. Upon the proper registration of any instrument, the land specified in such instrument shall pass, or, as the case may be, shall become liable as security in manner and subject to the covenants, conditions, and contingencies set forth and specified in such instrument.

6. The Registrar of Titles shall have power to reject any instrument appearing to be unfit for registration.

7. The Registrar of Titles shall have a seal of office with which he shall stamp all instruments registered and all copies of records certified by him.

8. The Registrar of Titles, or any person aggrieved by any official action of his, may, at any time apply to the High Court for directions or redress.

Regulation No. 4-1901, enacted May 24, 1901, by B. F. Tilley, Commander, U.S.N., Commandant.

Sec. 50. REGISTRATION OF MORTGAGES, BILLS OF SALE ETC. OF PERSONAL PROPERTY.

1. No mortgage, bill of sale, conditional sale, deed of trust, or any conveyance of personal property (unaccompanied by a permanent delivery thereof to the mortgagee or vendee) will be recognized as valid, unless:

(a) It is in writing, signed by the mortgagor or vendor, and attested by a witness qualified to attest deeds of land;

(b) It is filed with the Registrar of Titles for registration within ten days after its execution;

(c) It truly states the consideration upon which it was based, or the debt or liability which it was intended to secure, and contains an inventory of the specific articles sold or mortgaged;

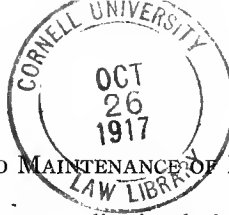
(d) The mortgagor or vendor was the true owner of the property mortgaged or sold at the time of the execution of the mortgage, bill of sale, or other instrument.

2. The Registrar of Titles shall endorse upon each such mortgage, bill of sale, or other instrument the true day and hour when it was lodged for registration, and shall record the same, with such endorsements, in full, in a book kept for that purpose, with an alphabetical index, which book shall be open to the inspection of all persons at all reasonable times.

3. The title of the mortgagee or vendee may be divested by an endorsement upon the margin of the record, signed by him, releasing the property or any specified portion thereof.

4. This Regulation shall apply only to mortgages, bills of sale and other instruments executed after May 24, 1901.

Regulation No. 5-1901, enacted May 24, 1901, by B. F. Tilley, Commander, U.S.N., Commandant.



Sec. 51. CONSTRUCTION AND MAINTENANCE OF ROADS.

1. When the people of any village, county or district desire a new road they shall petition the Governor that a new road be constructed, setting forth the location of said road and the necessity therefor. This petition shall be sent through the Superintendent of Roads, who will endorse upon it his recommendation and forward it to the Governor. The Governor will decide as to whether or not the proposed road is necessary and desirable and as to whether or not it is of public utility and of more than local importance. If the Governor decides that the road is necessary and desirable and that it is of more than local importance, he will direct that the road be constructed. The Superintendent of Roads shall have supervision over, and shall designate the manner in which such road shall be constructed. The county or counties in which the proposed road is located shall furnish the labor for the construction of the road. The county council, or county councils, shall determine upon the time when the work shall begin and shall designate certain villages or individuals to perform the necessary labor. One-half of the labor so furnished shall be without cost to the Island Government and one-half of the labor shall be paid for by the Island Government at the rates current at the United States Naval Station, Tutuila. The Island Government will furnish the necessary tools for the construction of the road and the materials for blasting and for the construction of the necessary bridges. If the Governor decides that the road is of purely local importance, he will notify the petitioners to that effect, and, if such road is constructed, no part of the labor will be paid for by the Island Government. The Island Government will defray the expense of materials for blasting and bridge-building, and will furnish necessary tools incident to the construction of such road.

2. All roads shall be kept clean and in good order by the people of the county in which they are situated. The county council shall designate the portions of the roads which are to be cared for by each village or individual, as the case may be. The village councils shall be charged with the maintenance of such parts of the roads as may be assigned to the village by the county councils. The county chiefs shall make or cause to be made frequent inspections of all roads within their respective counties, and it shall be their duty to see that the roads are kept clean and in good order.

3. Any person who, without just cause, refuses or fails to work on a road when ordered so to do by the duly authorized representative of a village or county, shall, upon conviction, for each day he so refuses or fails to work, be fined a sum equal to twice the current rate of wages per diem of his labor, or be imprisoned for a period of four days, with or without hard labor, in the discretion of the Court.

4. The village and district courts shall have concurrent jurisdiction of all cases arising out of the violation of any of the provisions of this Regulation.

Regulation No. 6-1911, enacted October 17, 1911, by W. M. Crose, Commander, U.S.N., Governor.

Sec. 52. PUBLIC HIGHWAY IN PAGO PAGO.

1. A public highway or road is hereby declared and proclaimed from Blunt's Point on the southern side of Pago Pago Harbor, extending therefrom towards Observatory Point and around the Harbor to Breaker Point on the northern side of said Harbor, along the shore at high water mark, of a uniform width of fifteen feet distant inland from said shore, and the area of land included in said description is hereby condemned and appropriated for public uses.

2. It shall be lawful for those employed by the Government of American Samoa to enter upon the lands within the boundaries above stated and to build or repair

the road therein as from time to time directed, and to remove all rocks, trees, or other obstructions and to complete the formation or repair of said road without interference from any person or persons whomsoever.

3. Any person who shall obstruct, or who shall in any wise aid or abet in the obstruction of the building or repair of such road, shall, upon conviction, be fined in a sum not exceeding Fifty Dollars (\$50), or be subject to imprisonment with or without hard labor, in the discretion of the Court for a term not exceeding three months for each offence.

4. Any person or persons who claim compensation for any of the land condemned as hereinbefore stated, under section 2 of the Deed of Cession granted from the chiefs and rulers of Tutuila to the United States Government and bearing date April 17, 1900, must have presented their claims to the High Court within three months from September 3, 1900, otherwise such claims shall not be recognized, and in all cases whatsoever the amount of compensation, allowed for such claims by the said Court, shall be final.

Regulation No. 15-1900, enacted September 3, 1900, by B. F. Tilley, Commander, U.S.N., Commandant.

Sec. 53. OBSTRUCTION OF PUBLIC HIGHWAY IN PAGO PAGO.

1. It shall be unlawful for any person to erect any fence, wharf, boat house, building or other structure whatsoever to seaward of the public highway or road running along high water mark of the Harbor of Pago Pago, as described in sub-section 1 of Section 52 of this Codification, without special permission of the Governor of American Samoa, to whom there must be presented a written application with plans of any wharf, building or other structure intended to be erected.

2. Any wharf, fence, building or other structure erected in contravention of this Regulation must be removed upon the order of the Governor at the expense of the person erecting or causing the same to be erected.

3. Any contravention of this Regulation shall be punished with a fine not exceeding Two Hundred Dollars (\$200), exclusive of all costs incurred in the removal of any buildings, wharves or other structures erected contrary to the provisions of this Regulation.

Regulation No. 16-1900, enacted September 3, 1900, by B. F. Tilley, Commander, U.S.N., Commandant.

Sec. 54. RIDING AND DRIVING REGULATED.

1. The word "vehicle" throughout this Regulation shall mean and include any carriage, cart, automobile, motor-car, tricycle, bicycle, or any conveyance to transport persons or goods by land.

2. Any person who shall drive or ride any vehicle or animal furiously or negligently; or who fails to provide a sound bell or horn on any vehicle; or who fails to carry a light attached to a conspicuous place on any vehicle between the hours of sunset and sunrise; or who, when driving any vehicle whatever, or riding any vehicle or animal, and meeting any other person, vehicle or animal, does not turn to the right, or, when passing any other person, vehicle or animal, going in the same direction, does not go or pass, when practicable, on the left side of such other person, vehicle or animal; or who, being the driver of any vehicle or animal leaves the same without any competent person to take charge thereof; or who, wilfully or negligently incumbers or obstructs a public place in any manner not before specially described, shall be guilty of an offence against this Regulation.

3. Racing with any vehicle or animal through villages, and on the public road between Observatory Point, the Governor's House, and the village of Pago Pago, is strictly prohibited.

4. Any person infringing or committing a breach of, or aiding or abetting any person to infringe or commit a breach of this Regulation, shall be liable upon conviction, to be punished by imprisonment not exceeding six months, with or without hard labor, in the discretion of the Court, or by a fine not exceeding Two Hundred and Fifty Dollars (\$250), or by both fine and imprisonment.

Regulation No. 3-1904, enacted June 24, 1904, by E. B. Underwood, Commander, U.S.N., Commandant.

Sec. 55. FAST DRIVING AND RIDING.

1. No person shall ride or drive any horse, mule or donkey in or through any village in American Samoa at a pace or speed faster than a trot, or ride or drive any automobile, bicycle, tricycle, motor-cycle or the like machine in or through such village at a speed greater than five miles an hour. Any person riding or driving any such animal when meeting any person on foot or horse-back or in any vehicle or machine, anywhere in American Samoa, shall slow down to a walk, and when riding or driving any automobile, bicycle, tricycle, motor-cycle or the like machine shall slow down to a speed of not more than five miles an hour, or stop, if requested or signalled to do so, until such person has passed. Any person riding or driving any such animal, vehicle or machine shall upon passing from behind any person upon foot or horse-back, or in any vehicle or machine, anywhere in American Samoa, slow down to such a speed as will not endanger the safety of the person who is being thus passed, such speed in no case to exceed a trot in the case of horses, mules or vehicles drawn by them, or five miles an hour in case of automobiles, bicycles, tricycles or motor-cycles.

2. This Regulation shall not be construed to repeal any part of Section 54 of this Codification, or any order of the Governor of American Samoa on this subject with which it does not directly conflict.

3. Any person violating any provision of this Regulation shall be liable to a fine not to exceed Twenty Five Dollars (\$25), or imprisonment for a term not to exceed two months, with or without hard labor, in the discretion of the Court.

Regulation No. 6-1914, enacted January 29, 1914, by C. D. Stearns, Commander, U.S.N., Governor.

Sec. 56. IMPORTATION OF ANIMALS.

1. No animals shall be imported into American Samoa, excepting certified domestic animals, unless permission from the Governor shall have been obtained prior to importation.

2. The following animals, only, are considered to be domestic animals under the provisions of this Regulation: horses, mules, donkeys, cattle, sheep, swine, goats, dogs, cats and poultry.

3. No domestic animals shall be imported into American Samoa unless accompanied by a health certificate from the proper authorities showing the name of the owner, describing the animals, stating that the animals have been examined

and that they are free from contagious or infectious disease, and stating that no contagious or infectious disease has been found among the class of domestic animals sought to be imported at the place of shipment during the three months preceding the shipment. The certificate shall be delivered by the master of the vessel to the Customs Officer before the animals are permitted to be landed.

4. Exemptions from the provisions of sub-section 3 may be granted by the Governor when warranted by special conditions, but animals admitted under such exemptions may be quarantined at the owner's expense for such time as may be deemed necessary.

5. The violation of any condition under which any animal is permitted to be imported or landed shall be deemed to be a breach of this Regulation.

6. Any person committing a breach of or attempting to commit a breach of this Regulation or aiding or abetting any person in committing a breach of or attempting to commit a breach of this Regulation, shall, upon conviction, be fined in a sum not exceeding Two Hundred Dollars (\$200), and in default of the payment of any fine imposed, shall be imprisoned in the jail, with or without hard labor as may be ordered by the Court, for a period not exceeding six months, or both fine and imprisonment within the above limits may be inflicted in the discretion of the Court; and any animal or animals imported in violation of this Regulation may be confiscated or destroyed.

Regulation No. 4-1912, enacted July 20, 1912, by W. M. Crose, Commander, U.S.N., Governor.

Sec. 57. TRESPASS OF PIGS, AND REMOVAL OF PIG WALLS ACROSS PUBLIC HIGHWAYS.

1. All fences, walls and other structures erected across any public road or highway, must be removed by the people of the village or villages where such obstructions exist, and the chief of any village failing to remove such walls or fences, shall be guilty of an offence against this Regulation, and all such obstructions will be removed at the expense of the village or villages failing to do so.

2. It shall be unlawful for any person to erect any fence, wall, or other obstruction, across any public road or highway, except gates at such places and in such manner as may hereafter be permitted by the Governor. All obstructions erected in contravention of this provision will be removed at the expense of the persons erecting them.

3. Any person who shall wilfully leave open any gate or slip-panel or slip-rail, or make a gap in or remove any portion of a fence for the purpose of permitting or causing any pigs to stray or trespass, or otherwise wilfully cause any pigs to trespass, shall, on conviction thereof before any magistrate, be liable to a fine not exceeding Ten Dollars (\$10), or, in default of payment, may be imprisoned for any term not exceeding thirty days.

4. Any boar, sow, or other pig, found wandering and untended on any public road or highway, or on any unenclosed land adjoining the same, may be shot, or otherwise killed or destroyed by the police, or duly appointed chief of a village through which said road passes.

5. Any boar, sow, or other pig, found trespassing or at large on any lands under cultivation, enclosed or unenclosed, may be shot or otherwise killed or destroyed by the owner or occupier of such lands, without his being liable to any claim for damages or compensation for the loss of the animal so destroyed, and

without prejudice to any claim such owner or occupier may have against the owner of the animal so killed or destroyed for damages committed by such animal while trespassing.

6. It shall be unlawful for any person to permit any boar, sow or other pig to be at large in any place within one hundred yards of any dwelling house in any village. All owners of pigs shall keep all pigs in a safe and secure place, and the running at large of any pig in any prohibited place, shall constitute an offence under this Regulation, on the part of the owner thereof, and any pig running at large in any prohibited place may be killed by the proper officers or other persons as provided in sub-sections 4 and 5 of this Regulation.

7. Upon any pig so trespassing as aforesaid being so shot or otherwise killed or destroyed, the chief, police, or other person shall, if the name of the owner be known to him, forthwith give such owner notice of such killing or shooting, and require him to remove and take away the carcass. Should the carcass not be removed or taken away within twelve hours after such animal shall have been killed, then the chief, or police shall be notified of the same by the owner or occupier of the land, and upon such notice being given, the chief, or police, shall forthwith bury, burn, or otherwise destroy, or cause to be buried, burned, or otherwise destroyed, such carcass in such manner as not to be offensive to or cause a nuisance in the neighborhood.

The chief, police, or other person so shooting or killing such pig, shall not consume such carcass, or any portion thereof as food, or sell or dispose of it in any way for money or gain.

Any person or persons so converting a carcass, or any portion thereof, to his own use or benefit, shall be guilty of an offence against this Regulation.

8. The village councils may, in a regular manner, enact a village law providing for the enclosure of the village under their control, or any tract of land, by a wall or fence for the purpose of preventing any pigs from straying on the public road, and any person owning or occupying property within such village or tract of land shall be subject to such law, and shall not be entitled to shoot, kill, or otherwise destroy any pig found on his property in any such enclosure, as is provided in sub-sections 5 and 6 of this Regulation.

9. Whoever does, or counsels, aids, abets, encourages, or procures any other person to do, any act contrary to sub-sections 2, 7 and 8, or refuses to comply with the provisions of sub-section 1 of this Regulation, shall, upon conviction, be liable to a fine not exceeding Fifty Dollars (\$50), or one hundred days imprisonment, with or without hard labor, or both fine and imprisonment, in the discretion of the Court.

Regulation No. 1-1904, enacted March 22, 1904, by E. B. Underwood, Commander, U.S.N., Commandant. Amended by Regulation No. 4-1911, enacted May 20, 1911, by W. M. Crose, Commander, U.S.N., Governor.

Sec. 58. TRESPASSING OF AND IMPOUNDING CATTLE IN LEONE.

1. The word "cattle" used in this Regulation shall mean and include any horse, mare, gelding, filly, or foal, any bull, cow, ox, steer, heifer, or calf, any ram, ewe, wether or lamb, any ass, or mule, and any boar, sow, or other pig.

Any suckling of any species, under three months old, and its mother, are for the purposes of this Regulation, to be considered as one animal.

"Owner of cattle" includes the person for the time being having the charge of such cattle, or the management thereof.

"Road" means and includes any road, street, highway, bridge, or public path in Leone.

2, There shall be a public pound in Leone in such place as may hereafter be determined upon by the Governor.

3. The Village Chief shall have the control and management of the pound, and shall make due provision for the proper maintenance and custody of all animals impounded.

4. Any cattle found wandering and untended on any road within the limits of Leone, or on any unenclosed land therein, shall be impounded by the police.

5. Upon any cattle being found by the owner or occupier of any lands, garden, or plantation, enclosed or unenclosed, trespassing or at large on such lands, garden or plantation, such owner or occupier may forthwith drive or send such cattle to the pound, or request the police so to do, and shall upon impounding such cattle, state to the Village Chief, or police, the name of the owner thereof, if known, and the place where the animals were found trespassing. The Village Chief shall write a description of the animals so impounded, and shall publish that description on the public notice board of the village, and also on the pound gate.

6. The owner of any stray or wandering or trespassing cattle found at large or untended on any road or unenclosed land, or in or upon any garden, plantation or other lands, shall be fined according to Schedule A, page 56, upon conviction before the magistrate.

7. The Village Chief shall make due provision for the proper maintenance and care of all cattle impounded in the public pound and the owner of such cattle shall pay for the care and maintenance of such cattle according to Schedule B, page 57.

8. All questions arising under this Regulation shall be taken before the Village Magistrate for settlement.

9. Upon payment by the owner of any impounded cattle of all fines and poundage fees payable by him, or upon his giving the Village Chief satisfactory security for the payment of the same, such impounded cattle shall, upon the application of the owner thereof, be released from the pound and delivered to him.

10. Should any impounded cattle, by reason of non-payment of fines or poundage fees, not be released from the pound within fourteen (14) days after the same shall have been impounded, the Village Chief shall forthwith proceed to sell the same by public auction.

11. The proceeds of any such sale shall be applied, first, to the payment of the expenses of such sale and all poundage fees, second, to the payment of all fines which the owner of such cattle shall have been ordered to pay, and the surplus, if any, shall be paid to the owner of such cattle.

12. Any person who shall rescue or attempt to rescue or interfere with cattle impounded or seized for the purpose of being impounded, shall, upon conviction, be liable to a fine not exceeding Ten Dollars (\$10), or in default of payment, may be sentenced to imprisonment for any term not exceeding thirty days.

Schedule A.

Entire horse, not exceeding	-	\$10.00
Any other horse, mare, gelding, filly or foal, not exceeding	-	\$5.00
Bull, not exceeding	-	\$7.50
Any cow, heifer, steer, or calf, not exceeding	-	\$3.00
Ass or mule, not exceeding	-	\$4.00
Boar, sow, or other pig, not exceeding	-	\$5.00
Ram, ewe, wether, or lamb, not exceeding	-	\$1.00
Goat, not exceeding	-	\$5.00

Schedule B.

For every entire horse, per day	\$2.00
For every other horse, mare, gelding, filly, or foal, per day	\$0.40
For every bull, per day	\$1.00
For every cow, heifer, ox, steer, or calf per day	\$0.30
For every ass or mule, per day	\$0.40
For every boar, sow, or other pig, per day	\$0.25
For every ram, ewe, wether, or lamb, per day	\$0.20
For every goat, per day	\$0.20

Regulation No. 6-1901, enacted August 21, 1901, by E. J. Dorn, Lieutenant-Commander, U.S.N., Commanding.

Sec. 59. PROTECTION OF PIGEONS AND DOVES.

1. There shall be a close season for Pigeons and Doves in each year from the 1st day of March to the 31st day of August, following, but the Governor may from time to time by public notice extend, limit, or vary the time appointed for a close season irrespective of the particular period herein provided.

2. It shall be unlawful for any person to wilfully and knowingly shoot, wound, trap, snare, take, kill, or otherwise destroy, catch or capture, or have in his possession any Pigeon or Dove, or to knowingly take, injure or destroy the nest of any Pigeon or Dove, or to take, injure, or destroy any Pigeon's or Dove's eggs in nest or otherwise during such time or in such place as is herein provided or which may be prescribed by the Governor, as provided in sub-section 1 of this Regulation.

3. So much of this Regulation as forbids having Pigeons and Doves in possession shall not apply to tame Pigeons and Doves, in possession of chiefs and which are trained as decoys, nor to Pigeons and Doves imported into American Samoa, from other islands.

4. Any person who, upon any inclosed or cultivated grounds, which are private property and where signs are displayed forbidding such shooting, shall shoot any Pigeons or Doves without permission first obtained from the owner or person in possession of such ground, or who shall maliciously tear down, mutilate or destroy any sign, sign-board or other notice forbidding shooting on private property, shall be guilty of an offence against this Regulation.

5. Should any person be found having in his possession any Pigeons or Doves during the prohibited period, which is or may be fixed under this Regulation, the burden of proving that such possession is lawful shall be on such person. Any Pigeons or Doves found in the possession of any person shall be presumed to have been taken or killed by such person contrary to the provisions of this Regulation, until proof to the contrary is given.

6. Any person who shall violate any provision of this Regulation shall upon conviction, be punished by a fine not exceeding Twenty Five Dollars (\$25), or by imprisonment, with or without hard labor, for a term not exceeding fifty days, or by both fine and imprisonment, in the discretion of the Court, for each and every offence.

7. Upon conviction of any offence against this Regulation the informer may receive, in the discretion of the Court, ten per cent of any fine that may be collected.

Regulation No. 4-1906, enacted June 20, 1906, by C. B. T. Moore, Commander, U.S.N., Governor. Amended January 3, 1910, by order of Jno. F. Parker, Captain, U.S.N., Retired, Governor.

Sec. 60. LANDING OF PASSENGERS.

1. No person arriving within the limits of American Samoa, in any vessel of whatsoever nature, from any port outside of the limits of American Samoa, shall land from such vessel without having first obtained, through the master of such vessel, the written assent of the Boarding Officer, acting under the instructions of the Customs Officer or the Governor.

2. The master of any vessel, as aforesaid, shall, immediately upon arrival, or upon the boarding of his vessel, by the authorized officer, furnish said officer with a duplicate list of all passengers whom he wishes to land in said station. The Boarding Officer shall signify his assent as aforesaid, if granted, by inscribing the same on one copy of the passenger list and returning it to the master of the vessel.

3. Persons without visible means of support, or stowaways, shall not be landed, except by permission and at the discretion of the Governor.

4. Any person desiring to remain within the limits of American Samoa, after the departure of the vessel upon which he arrives, must, if required by the Governor, upon landing, deposit with the Customs Officer the sum of Seventy Five Dollars (\$75.00) United States coin. The money so deposited shall be held by the Customs Officer in trust for the depositor, to be returned to the depositor upon his departure from the limits of American Samoa, or at any time prior thereto, if the Governor so orders.

5. No master of any vessel shall dismiss or discharge any person of the ship's crew within the limits of American Samoa before having proved to the Customs Officer that he has given proper bond to the National Consul of the vessel, or of the person to be dismissed or discharged, for his maintenance in or removal from American Samoa. In the case of a vessel under no Consular jurisdiction, such bond shall be given to the Governor.

6. Any master of any vessel, or any other person, committing a breach of, or attempting to commit a breach of any of the provisions of this Regulation, and all persons aiding and abetting such master or person, shall be liable to be fined in the sum of not more than Two Hundred and Fifty Dollars (\$250), or, in default of payment, be imprisoned for a term not exceeding six months, with or without hard labor, in the discretion of the Court, and shall, further, be required to pay for all maintenance charges for any or all persons landed contrary to the provisions of this Regulation, as well as the cost of removal from said station of such person or persons, and the vessel in which the person or persons have so arrived and landed, shall be liable to seizure and sale, through process of the Court, for the purpose of satisfying any fine inflicted as aforesaid, or the cost of maintenance or removal as aforesaid.

Regulation No. 1-1902, enacted February 15, 1902, by U. Sebree, Captain, U.S.N., Commandant.

Sec. 61. DUTIES OF VILLAGE CHIEFS AS CUSTOMS AGENTS.

1. Upon the arrival of a boat or vessel at any port or village in American Samoa, other than Pago Pago, the master of the boat or vessel shall at once go before the Village Chief and produce to him the vessel's clearance. The Village Chief shall scrutinize the clearance, and if by it, it is seen that the vessel has cleared from the Port of Pago Pago, he shall then, but not before, permit the vessel to discharge such cargo and passengers as are specified in the clearance to be landed at his village, but he shall take pains that nothing else is landed. He need not board or search the vessel. Before the vessel's departure he shall endorse on the face of the clearance the name of his village and the character and

amount of the cargo, if any, taken on board the vessel at his village, signing his name thereto. And if the vessel be bound for another port or village in American Samoa, he shall return the clearance to the master of the vessel before her departure; but if she be bound to a foreign port, he shall retain the clearance and forward it to the Customs Officer as soon as practicable. And for each vessel so entered and cleared by him, a Village Chief shall be allowed the sum of Twenty-Five Cents (\$0.25), upon his applying in person to the Customs Officer or sending to the Customs Officer some person authorized in writing to receipt for him.

2. Should the vessel be found to have cleared from a foreign port, the Village Chief shall at once report her arrival to the Customs Officer at Pago Pago and shall not allow any cargo to be landed or any person to land, from her, until instructions have been received from such Customs Officer.

Regulation No. 5-1905, enacted April 20, 1905, by C. B. T. Moore, Commander, U.S.N., Commandant.

Sec. 62. MANIFESTS.

1. It is hereby ordered that the masters of all vessels bound from the port of Pago Pago to ports of the United States or its Insular Possessions, be required to declare a manifest of all cargoes taken on board at the port of Pago Pago for such ports.

This declaration shall be made in the presence of the Customs Officer of the port of Pago Pago, and be signed by him, and a statement made thereon whether such cargoes are native products of the islands of American Samoa, or actual importations into said islands.

Order made June 27, 1902, by U. Sebree, Captain, U.S.N., Commandant.

Sec. 63. SAFETY OF PASSENGERS ON VESSELS COMING INTO OR DEPARTING FROM AMERICAN SAMOA.

1. It shall not be lawful for any vessel coming into or departing from Pago Pago, American Samoa, to take or have on board more than one passenger for every net ton of said vessel, not including the crew of the vessel and children under the age of one year in the computation, and computing two children over one and under eight years as one passenger: *Provided*, that the above shall not apply to vessels which are, as to this matter, subject to and regulated by the Acts of Congress of the United States of America.

2. Any master of a vessel who shall violate the provisions of this Regulation shall be liable to a fine not to exceed Two Hundred and Fifty Dollars (\$250), or to be imprisoned for a term not to exceed six months, with or without hard labor, in the discretion of the Court.

Regulation No. 4-1914, enacted January 29, 1914, by C. D. Stearns, Commander, U.S.N., Governor.

Sec. 64. FORGERY.

1. Any person who writes without authority the name or mark of any other person on any writing, or alters any word or figure in any writing, with intent to defraud another person in order that he may obtain money or goods or lands or any other thing of value, or commits any act of a similar nature in order to deprive another of his property, or any person who utters publishes, passes or attempts to pass, as true and genuine any writing as above

specified and knowing the same to be false, or any person aiding or abetting any person to commit any act herein prohibited, shall be deemed guilty of forgery.

2. Forgery is punishable by imprisonment in the jail for not less than three months nor more than four years, with or without hard labor, in the discretion of the Court.

3. In the event of the incapacity of any person to write his or her name on any writing representing any value, it shall be lawful for any other person to witness the mark of such person by writing the name of such person close to said mark, together with the name of said witness: *Provided*, however, that upon any check, receipt, note, draft, voucher or any other instrument of value, of the Government of American Samoa, the person unable to write shall make a mark X, and the person writing his name as aforesaid shall subscribe his own name as witness thereto, together with the words ^{His} Mark, and any person failing or neglecting to fulfil the requirements of this sub-section, shall be guilty of an offence against this Regulation, and upon conviction, shall be fined in a sum not exceeding Twenty Five Dollars (25), or shall serve a term of imprisonment not exceeding fifty days, with or without hard labor, in the discretion of the Court.

Regulation No. 6-1906, enacted July 28, 1906, by C. B. T. Moore, Commander, U.S.N., Governor. Amended by Regulation No. 1-1909, enacted November 15, 1909, by Jno. F. Parker, Captain, U.S.N., Retired, Governor.

Sec. 65. GAMING, LOTTERIES, ETC.

1. Every person who deals, plays, or carries on, opens, or causes to be opened, or who conducts, either as owner or employee, whether for hire or not, any game of faro, monte, roulette, lansquenet, rouge et noire, rondo, fantan, poker, seven-and-a-half, twenty-one, hokey-pokey, lottery, raffle, or any banking or percentage game played with coin, cards, dice, tokens, or any device or instrument, for money, checks, credit or other thing of or representing value, and every person who plays or bets at or against any of said games or pretended games of chance is guilty of an offence against this Regulation, and shall, upon conviction, be liable to be fined in a sum not exceeding Two Hundred and Fifty Dollars (\$250), or, to be imprisoned for a term not exceeding six months, with or without hard labor, or to both such fine and imprisonment, in the discretion of the Court.

2. Every person who knowingly permits any of the games mentioned in the preceding sub-section to be played, conducted, or dealt in any house owned or rented by such person in whole or in part, is guilty of an offence against this Regulation, and liable to be punished as provided in the preceding sub-section of this Regulation.

3. Every person, who by means of any pretended game, of cards, sleight of hand, fortune telling, or any other game, trick or device whatever, whether like or unlike those specifically named, or who by betting on such game, trick or device, obtains from any other person money or property of any description, shall be guilty of an offence against this Regulation, and shall be liable to be punished as provided in sub-section 1 of this Regulation.

Regulation No. 1-1903, enacted March 21, 1903, by E. B. Underwood, Commander, U.S.N., Commandant.

Sec. 66. ADMINISTRATION OF OATHS AND ACKNOWLEDGMENTS AND PUNISHMENT OF THE CRIMES OF PERJURY AND SUBORNATION OF PERJURY.

1. The following officials shall have authority to administer oaths and acknowledgments to be used within the limits of American Samoa:

The President of the High Court, the Associate Judges of the High Court, and the Clerks of the High Court shall have authority to administer oaths and acknowledgments in all cases within the jurisdiction of the High Court;

The District Judges and the Clerks of the District Courts shall have authority to administer oaths and acknowledgments in all cases within the jurisdiction of the District Courts;

The Village Magistrates and the Clerks of the Village Courts shall have authority to administer oaths and acknowledgments in all cases within the jurisdiction of the Village Courts;

The License Officer shall have authority to administer oaths in all matters pertaining to the License Department;

The Customs Officer shall have authority to administer oaths in all matters pertaining to the Customs Department.

2. The Governor and the Secretary of Native Affairs shall have authority to administer oaths and acknowledgments generally for use within and beyond the limits of American Samoa.

3. The word "oath" as used in this Regulation includes an affirmation and every other mode authorized by law of attesting the truth of that which is stated.

4. Every person, who having taken an oath before any authorized official in any case in which an oath is administered, that he will testify, declare, depose or certify truly, or that any written testimony, declaration, deposition or certificate by him subscribed is true, wilfully and contrary to such oath, states or subscribes to any material matter which he knows to be false, is guilty of perjury, and upon conviction, shall be punished by imprisonment in the jail at hard labor for a period not exceeding two years.

5. Every person, who procures another to commit perjury is guilty of subornation of perjury, and punishable as prescribed in the preceding sub-section.

Regulation No. 5-1911, enacted June 10, 1911, by W. M. Crose, Commander, U.S.N., Governor.

Sec. 67. RAPE AND INDECENT ASSAULT.

1. Whoever shall commit rape shall, on conviction, be imprisoned with hard labor for a term not less than four years.

2. The following shall be held to constitute rape :

- (a) Carnal intercourse with a female by force;
- (b) Carnal intercourse with a female without her consent (that is, while she is asleep or intoxicated, or otherwise unconscious);
- (c) Carnal intercourse with a female where she is prevented from resisting by threats of death or great and immediate bodily harm;
- (d) Carnal intercourse with a female with her consent given in the belief that the perpetrator is her husband;
- (e) Carnal intercourse with a female obtained through threats of exposure of any former misconduct or secret;
- (f) Carnal intercourse with a female less than fourteen years of age.

3. Whoever shall have carnal intercourse with a female to whom he has been lawfully married shall not be deemed to have committed rape.

4. No conviction for rape can be had against one who was under the age of fourteen years at the time of the act alleged, unless his physical ability to accomplish penetration is proved as an independent fact, and beyond a reasonable doubt.

5. Whoever shall be convicted of any attempt to commit, or of an assault with intent to commit the crime of rape, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding ten years and not less than two.

6. Whoever shall be convicted of any indecent assault upon any female or of any attempt to have carnal knowledge of any girl under fourteen years of age shall be liable, at the discretion of the Court, to be imprisoned with hard labor for any term not exceeding ten years and not less than two.

7. Any person who procures, commands or counsels any person to commit a breach of this Regulation, but who is not actually present when the offence is committed shall be prosecuted and tried, and upon conviction, shall be subject to the same punishment as though he was a principal, and any person who with full knowledge that an offence against this Regulation has been committed conceals it from the magistrate or harbors and protects the person charged with or convicted thereof, shall upon conviction, be liable to pay a fine not exceeding the sum of Five Hundred Dollars (\$500), or in default thereof, to serve a term of imprisonment not exceeding two years, with or without hard labor, in the discretion of the Court.

Regulation No. 4-1905, enacted May 19, 1905, by C. B. T. Moore, Commander, U.S.N., Governor. Amended by Regulation No. 5-1905, enacted June 9, 1905, by C. B. T. Moore, Commander, U.S.N., Governor.

Sec. 68. DISCHARGING FIREARMS.

1. Unless with special written permission of the Governor, the firing or discharging of any gun, pistol, or other firearm or any explosive substance in the Harbor of Pago Pago, or ashore within two hundred yards from the public highway in Pago Pago, commencing at Blunt's Point on the southern side of Pago Pago Harbor and extending therefrom towards Observatory Point and around the Harbor to Breaker Point, is strictly prohibited.

2. The prohibition herein is not intended to affect the regular target practice by officers and men of the Navy when conducted by and under the orders of the Commanding Officer.

3. Any person committing or attempting to commit a breach of this Regulation shall, upon conviction, be fined in a sum not exceeding One Hundred Dollars (\$100), or serve a term of imprisonment, with or without hard labor, in the discretion of the Court, for a period not exceeding three months.

Regulation No. 6-1904, enacted September 27, 1904, by E. B. Underwood, Commander, U.S.N., Commandant.

Sec. 69. PROTECTION OF TREES.

1. It shall be unlawful for any person, (a) to cut down any coconut or food bearing tree, for any purpose whatever, without first having obtained permission from the Governor of American Samoa; (b) to cut or in any other manner to injure any coconut or food bearing tree; (c) to cut or otherwise make notches or steps in any coconut tree.

2. Any person violating any provision of this Regulation shall, upon conviction, be fined not exceeding Fifty Dollars (\$50), or imprisoned, with or without hard labor, for a period not exceeding two months; or both fine and imprisonment may be inflicted in the discretion of the Court.

Regulation No. 6-1913, enacted November 20, 1913, by C. D. Stearns, Commander, U.S.N., Governor.

Sec. 70. PROTECTION OF VEGETATION AGAINST LIVE STOCK AND POULTRY.

1. Every person owning, or having the care and control of any horse, cow, pig, chicken or other kind of live stock or poultry, who wilfully or negligently allows the same to run at large and destroy or damage any fruits, flowers, vegetables, or other things of value, upon conviction, shall be liable to a fine of not exceeding Two Hundred Dollars (\$200), or imprisonment for a term not exceeding six months, with or without hard labor, in the discretion of the Court.

Regulation No. 3-1914, enacted January 20, 1914, by C. D. Stearns, Commander, U.S.N., Governor.

Sec. 71. PLANTING AND PROTECTING COCONUT TREES.

1. Each and every taxpayer in American Samoa shall plant five coconut trees during each and every month of each and every year, and any taxpayer, who is prevented from planting this number during any month, shall plant a sufficient number of such trees during the succeeding month to bring the total up to the required number: *Provided*, that nothing in this sub-section shall prevent any taxpayer from planting more than five coconut trees each month, if he desires to do so.

2. All coconut trees shall be planted twenty feet apart in each direction, and new trees shall not be planted in old groves or plantations, unless there is sufficient room to comply with this provision.

3. Any taxpayer, whose cleared land is already planted with a sufficient number of coconut trees, shall clear up sufficient additional land to plant the number of trees required by this Regulation: *Provided*, that this sub-section shall not authorize a violation of Section 69 of this Codification, prohibiting the cutting down or injuring food bearing trees.

4. The owner or cultivator of any coconut grove or plantation shall keep the same, at all times, free and clear of weeds, vines, bushes, shrubs, trees and all other kinds of vegetation which would be injurious to such grove or plantation, or afford a breeding place for the coconut beetle or other harmful insects.

5. Any person violating any of the provisions of this Regulation shall be liable to a fine not to exceed Two Hundred and Fifty Dollars (\$250), or to be imprisoned for a term not to exceed six months, with or without hard labor, in the discretion of the Court.

Regulation No. 7-1914, enacted February 20, 1914, by C. D. Stearns, Commander, U.S.N., Governor.

Sec. 72. COCONUT BEETLE AND OTHER HARMFUL INSECTS.

1. No person shall import or introduce into American Samoa any insect or insects, known as coconut beetles, or any other insect or insects harmful or injurious to growing plants or trees of any description whatsoever.

2. No growing plants or the roots thereof, shall be imported into American Samoa, except by the written permission of the Governor, prior to importation.

3. No copra nor coconuts of any size or condition, or in any quantity, from Upolu, Savaii and adjacent islands (known at the time of the original enactment of this Regulation as German Samoa) shall be imported into American Samoa, or trans-shipped at American Samoa. And neither copra nor coconuts from places other than said islands (known at the time of the original enactment of this Regulation as German Samoa) shall be imported into or trans-shipped at American Samoa, without the consent of the Governor.

4. No food, cooked or uncooked, shall be imported into American Samoa from said islands, until it has been inspected and permission to bring in such food granted by the Boarding Medical Officer.

5. No sleeping mats shall be imported into American Samoa from said islands: *Provided*, however, that the Customs Officer shall have authority to permit the importation of clean fine mats, and of clean floor mats of good quality.

6. No baskets, manufactured from coconut leaves shall be imported into American Samoa from said islands.

7. No soiled clothing, or unclean baggage shall be imported into American Samoa from said islands.

8. All persons, baggage and freight coming from said islands shall be thoroughly searched and carefully examined under direction of the Customs Officer, to prevent the importation of any of the above articles, and to guard against the introduction of the coconut beetle or other pests into American Samoa.

9. No vessel coming from said islands shall go alongside any wharf or hulk, nor shall the master thereof allow any communication with the shore or with any boats, nor shall the master permit any person, baggage or freight to land or to be landed, until the Customs Officer has finished the examination and search provided for by this Regulation, and has given the master of said vessel permission to go alongside said wharf or hulk, and to discharge passengers, baggage and freight: *Provided*, that nothing contained in this Regulation, nor any permission granted by the Customs Officer shall authorize the master of any vessel to go alongside any wharf or hulk, until pratique has been regularly granted by the Boarding Medical Officer.

10. Whenever the Customs Officer shall deem it necessary, the master of any vessel shall thoroughly fumigate any baggage or freight, the Customs Officer may designate, and no claim for damage shall be allowed in respect to any such fumigation.

11. The term "coconut beetle" shall mean and include the beetle known as the rhinoceros beetle, or any other species of beetle, harmful to coconut trees, and also the larva of any such beetle.

12. The introduction of the coconut beetle into American Samoa shall constitute cause for dismissal of any Customs official concerned.

13. Any person committing a breach of or attempting to commit a breach of this Regulation, or aiding or abetting any person in committing a breach of or in attempting to commit a breach of this Regulation shall, upon conviction, be punished by imprisonment in the jail, with or without hard labor, in the discretion of the Court, for a period not exceeding two years, or by a fine not to exceed Five Hundred Dollars (\$500), or by both fine and imprisonment within the above limits, in the discretion of the Court.

Regulation No. 1-1913, enacted April 7, 1913, by N. W. Post, Lieutenant, U.S.N., Acting Governor. Amended by Regulation No. 2-1916, enacted October 16, 1916, by J. M. Poyer, Governor.

Sec 73. PROTECTION OF GOVERNMENT SURVEYS.

1. Any person who shall deface, injure, destroy, change, remove, knock, tear or take down, or otherwise in any manner interfere with any stake, stone, flag, mark, signal, monument or other article or thing of any kind whatsoever, set up, placed or erected, either temporarily or permanently, anywhere in American Samoa or the waters thereof, in the course of or in connection with any survey,

made by or under the direction of the Government of the United States or the Island Government of American Samoa, or who shall in any manner attempt to prevent, hinder or interfere with the setting up, placing or erection of such stake, stone, flag, mark, signal, monument or the like, shall, upon conviction, be fined in a sum not exceeding Two Hundred and Fifty Dollars (\$250), or be imprisoned for a term not to exceed six months, with or without hard labor, in the discretion of the Court.

Regulation No. 5-1914, enacted January 29, 1914, by C. D. Stearns, Commander, U.S.N., Governor.

Sec. 74. SUNDAY.

1. Chiefs and Magistrates shall, as far as is in their power, cause the Lord's Day to be duly observed.

2. Any person who on Sunday, in or in view of any public place, trades, works at his trade or calling, deals, transacts business, or exposes goods for sale, or keeps open to public view any house, store, shop, or other place, for the purpose of trading, dealing, transacting business, or exposing goods for sale therein, shall upon conviction, be liable to a fine not exceeding Ten Dollars (\$10), for each offence. But nothing herein contained shall apply to works of necessity or charity, the sale of medicines, the sale or delivery of milk, to hairdressers or barbers before nine o'clock in the forenoon, or to persons employed on steamers, vessels or boats, or to any livery stable keeper, or to any person letting boats for hire, or to any Government employee while performing necessary duties.

3. It is lawful on Sunday to cook food, to work in an emergency, to save life and property, to bathe, to take exercise, to visit relatives.

4. It shall be unlawful for any person to disturb the religious service of any denomination in any way whatever. When by custom the religious service of any denomination has been held at an established place and special time, that service must not be disturbed by any other service of other denominations being held in close proximity, and at the same time such service is being held. In the case of the services of several established religious denominations being held in close proximity to each other and at the same time, in such a way as to cause annoyance or disturbance to the congregations of people assembled, the representatives of the respective denominations shall endeavor to arrange a time for holding their respective services so as not to cause annoyance or disturbance to each or either of the congregations of the people assembled. Should the representatives of the religious denominations be unable to agree upon a time for holding their respective services, then, upon the application of any one of the representatives of the religious denominations, the Governor shall direct the time or times for holding the respective services of the several denominations, and any infringement of this sub-section or the orders of the Governor, shall be punished by a fine not exceeding Ten Dollars (\$10), for each offence.

5. The whole of this Regulation or any part thereof may be suspended at any time and for any period by the Governor.

6. All village laws regarding Sunday are hereby repealed.

Regulation No. 18-1900, enacted November 5, 1900, by B. F. Tilley, Commander, U.S.N., Commandant.

Sec. 75. CUSTOMS INTERFERING WITH RELIGIOUS BELIEFS PROHIBITED.

Whereas in some of the villages of American Samoa, there is an old custom of law that persons who belonged to a religious denomination and changed their belief to some other sect, had to leave their village, etc.

It is hereby ordered :

1. That all laws or customs that interfere with religious beliefs be and are hereby abolished.

2. That no person shall be anywise molested, punished, disquieted or called in question for any differences in opinion and beliefs in matters of religion.

3. District Governors, County Chiefs and Village Chiefs are directed to see that this order is enforced, and will promptly report any violation of it to the Governor, through the proper channels.

Order made August 30, 1902, by U. Se bree, Captain, U.S.N., Commandant.

Sec. 76. CUSTOM KNOWN AS "AUOSOGA" PROHIBITED.

1. The word "Auosoga" in this Regulation shall mean and include the wilful damaging or destroying of trees or property of any nature whatsoever or any public indecent conduct upon the death of a person of rank or during the ceremony known as the "Lagi".

2. The Samoan custom of "Auosoga" shall be and the same is hereby prohibited.

3. Any person performing any act or attempting to perform any act relating in any way to the custom of "Auosoga", shall upon conviction, be liable to a fine not exceeding One Hundred and Twenty Five Dollars (\$125), or in default of payment thereof to serve a term of imprisonment not exceeding three months, with or without hard labor, in the discretion of the Court, and shall be further liable in damages for the value of any property destroyed.

Regulation No. 8-1905, enacted December 6, 1905, by C. B. T. Moore, Commander, U.S.N., Governor.

Sec. 77. CUSTOM KNOWN AS "FA'AMASEI'AU" PROHIBITED.

1. The custom of breaking the hymen of a virgin upon her marriage, except privately by the husband of the virgin, commonly known as "Faamasei'au" is deemed to be a heathen and barbarous custom, and it is ordered that the same be and is hereby strictly prohibited.

2. Any person, other than the husband, who aids or takes part in the breaking of the hymen of a virgin shall, upon conviction, be liable to a fine of not less than Twenty Five Dollars (\$25) nor more than One Hundred Dollars (\$100), or in default thereof, to a term of imprisonment of not less than two months nor more than eight months, with or without hard labor, in the discretion of the Court.

Regulation No. 6-1907, enacted July 17, 1907, by C. B. T. Moore, Commander, U.S.N., Governor.

Sec. 78. CRICKET AND OTHER GAMES.

1. The game of cricket and other games, when played between persons of one village against persons of another village, or between the people of one county against any other county, are prohibited, unless the written permission of the Governor be first obtained enabling such game to be played. Any person playing in any such match without first obtaining the consent of the Governor shall, upon conviction, pay a fine of not exceeding Fifteen Dollars (\$15), or serve a term of imprisonment with or without hard labor, in the discretion of the Court, for a period not exceeding sixty days.

2. Cricket matches and other games played amongst the people of any one village are not prohibited under this Regulation, providing such games do not interrupt or interfere with the ordinary labor of the people of the village or any general work for the Government or village. If, in the opinion of the Village

Chief, or any other official of the Government, a game, when played amongst the people of a village, interferes with the ordinary duties of the people, or the general work for the Government or village, such official shall make complaint before the Court against any person joining in such game who has not performed said duties, and each person so charged shall, upon conviction, pay a fine of not exceeding One Dollar (\$1.00). Upon the hearing of any complaint, the burden of proof shall be on the accused to show that he has performed said duties.

Regulation No. 1-1907, enacted January 7, 1907, by C. B. T. Moore, Commander, U.S.N., Governor. Amended by Regulation No. 10-1914, enacted April 4, 1914, by C. D. Stearns, Commander, U.S.N., Governor.

Sec. 79. DEALINGS WITH ENLISTED MEN OF THE UNITED STATES NAVY.

1. No enlisted man of the United States Navy, during his term of service, shall be arrested on mesne process, or taken or charged in execution of any debt, unless it was contracted before his enlistment. Articles of uniform of enlisted men of the Navy are exempt from seizure in satisfaction of judgments for debt.

Regulation No. 3-1906, enacted May 3, 1906, by C. B. T. Moore, Commander, U.S.N., Governor.

Sec. 80. DEALINGS BETWEEN SAMOANS AND NON-SAMOANS.

1. The term "Samoan" or "Samoans" whenever it appears in this Regulation shall mean and include not only the native Samoans of American Samoa, but shall also mean and include all other native islanders of the South Pacific, and the Line Islands, or any laborer of a dark colored race (excepting colored persons having the status of citizens of the United States) living in American Samoa. The term "non-Samoan" shall mean and include all other persons residing or carrying on business or trading operations in American Samoa.

2. A non-Samoan may give or extend credit to a Samoan adult in any amount not to exceed at any one time the sum of Fifteen Dollars (\$15) (that is to say the total indebtedness due by the Samoan to the non-Samoan must not exceed the sum of Fifteen Dollars (\$15), unless by the authority of the Government) and if the Samoan debtor shall fail to pay or satisfy such debt, action may be brought by the non-Samoan in the Court to recover any amount that may be found to be due and owing by the Samoan to the non-Samoan, but no judgment for a debt above the sum of Fifteen Dollars (\$15) can be obtained in the Court unless such debt be incurred under such agreement, as is required by sub-sections 5, 6 and 7 of this Regulation.

3. If upon the hearing of any action brought by a non-Samoan against a Samoan to recover any debt, not exceeding the sum of Fifteen Dollars (\$15), it shall be ascertained that the non-Samoan has extended or given credit to the Samoan contrary to the provisions and intention of this Regulation, that is to say, that the non-Samoan has given credit to a Samoan beyond the sum of Fifteen Dollars (\$15), without the authority of the Government, then such fact shall work an immediate forfeiture of all claims of the non-Samoan against the Samoan; and all further proceedings in the said Court shall be stayed, and the parties connected with any such transaction shall also be liable to the penalties provided in sub-section 12 of this Regulation, in addition to the forfeiture by the non-Samoan of all sums that may be claimed by him as aforesaid.

4. If it shall be ascertained at the hearing of any such action for debt, that for the purpose of evading the provisions or defeating the intention of this Regulation, the total indebtedness existing at any one time, due by the Samoan to the

non-Samoan, has been divided into several amounts, or any other deceit or subterfuge has been practiced to enable the non-Samoan to bring suit against the Samoan, then such act shall be deemed an offence against this Regulation, and the non-Samoan shall, in addition to any penalty that may be inflicted upon him by the Court for any offence against this Regulation, forfeit all sums of money which he may claim against the Samoan for any credit unlawfully given,

5. In every contract made between any Samoan and any non-Samoan, where the consideration moving from the Samoan party exceeds the sum of Fifteen Dollars (\$15) or its equivalent in value, or shall be labor for any term exceeding one month, the non-Samoan party, before any such contract is acted upon, shall produce the same to a District Judge of American Samoa, who shall, if satisfied after due examination of the parties that they understand the agreement, and have voluntarily entered into the same, endorse thereon a certificate in the following form :

I hereby certify that the parties to the within contract fully understood the nature and terms of said contract, and entered into the same voluntarily and of their own free will.

And such certificate, with a duplicate copy of the contract must be forwarded to the Secretary of Native Affairs within one week from the date of the endorsement of the said certificate.

6. The Secretary of Native Affairs shall forward the same to the Governor with his opinion thereon, recommending such agreement to be rejected, approved or modified.

7. The Governor may in his discretion, reject, approve or modify any contract or agreement, in part or in whole, in such manner as he shall deem expedient, and no agreement shall be valid and binding on the Samoan party unless the approval of the Governor has been first obtained under this Regulation.

8. Every contract shall, after the Governor has approved thereof, be filed in the office of the Secretary of Native Affairs and shall be registered at the expense of the non-Samoan party.

9. The remedy for any breach of any agreement or contract under this Regulation, or of any of the terms thereof, may be obtained in the Court on the complaint of either party in an action on the contract. If, upon the complaint of any Samoan laborer serving under any contract as hereinbefore provided, it shall appear to the Court that the laborer has been ill-used by his employer, the Court may order the contract to be cancelled and the employer to pay such laborer such sum for wages as shall be proportionate to his term of service, and, further, to pay such costs and damages as may appear to be fair and reasonable.

10. If any laborer under contract shall unlawfully absent himself from work during the term of his contract, or shall refuse to fulfill the same, unless for some reasonable cause, or shall, by negligence or other improper conduct, lose, throw away or damage the property of his employer, or shall endanger such property by a careless or improper use of fire, or wilfully maim, wound or cruelly ill-use any cattle or other livestock belonging to his employer, every such offender shall on conviction thereof, suffer punishment by imprisonment, with or without hard labor, for any term not exceeding sixty days, or by a fine not exceeding Thirty Dollars (\$30), or both, and the Court may extend the time of service of the offending laborer for such time as shall be equal to the number of working days during which the offender has absented himself or has been imprisoned.

11. No real property of a Samoan shall be subject to sale under a writ of the Court to satisfy any judgment, but the Court may appoint a Receiver to gather the produce lying and being upon the property belonging to a Samoan debtor,

who shall convert the same into cash for the purpose of satisfying any judgment. The remuneration to be paid to the Receiver for his services shall be fixed by the Court.

12. Any person charged with any offence against or violation of any provision of this Regulation, for which no punishment has been heretofore provided, shall on conviction, be liable to a fine of not exceeding Fifty Dollars (\$50), or three months imprisonment, with or without hard labor, in the discretion of the Court, for each offence.

Regulation No. 9-1907, enacted October 21, 1907, by C. B. T. Moore, Commander, U.S.N., Governor; repealing Regulation No. 3-1901, enacted March 27, 1901, by B. F. Tilley, Commander, U.S.N., Commandant.

Sec. 81. SAMOAN TRAVELING PARTIES BETWEEN THE ISLANDS OF UPOLU AND SAVAII AND THE ISLANDS OF TUTUILA AND MANU'A.

1. Any persons desirous of visiting the Islands of Upolu and Savaii as a "malaga" consisting of eight or more persons at one time, whether in a steamer or other vessel, must, before starting on such "malaga", apply in writing to the Secretary of Native Affairs, stating the names forming the traveling party as well as the name of the village or villages they belong to, and the name or names of the place or places the party intend to visit in Upolu or Savaii and also the nature and reason of said visit.

2. Upon application being made to the Secretary of Native Affairs, he shall immediately forward said application to the Governor with his recommendation, stating whether the application should be granted in full or in part, or should be refused.

3. The Governor of American Samoa, if in his opinion, the application should be granted in full or in part, will then inform the Governor of Upolu, Savaii and adjacent islands (known at the time of the original enactment of this Regulation as German Samoa) of the full particulars of the intended "malaga", and upon a favorable reply being received from the Governor of Upolu, Savaii and adjacent islands (known at the time of the original enactment of this Regulation as German Samoa) may, in his discretion, grant a pass to the applicants, but if the Governor of Upolu, Savaii and adjacent islands (known at the time of the original enactment of this Regulation as German Samoa) does not approve of the "malaga" visiting the places under his rule then no passes shall be granted.

4. Any person omitting to do anything required by this Regulation, or doing, or aiding, abetting or advising the doing of anything prohibited by this Regulation, shall be liable on conviction, to imprisonment not exceeding sixty days, with or without hard labor, in the discretion of the Court, or to a fine not to exceed Twenty Five Dollars (\$25), for each offence.

Regulation No. 2-1903, enacted March 30, 1903, by E. B. Underwood, Commander, U.S.N., Commandant.

Sec. 82. COUNTY OF TAU IN THE DISTRICT OF MANU'A.

1. The villages of Siufaga and Luma, in the District of Manu'a are hereby created into a County, to be known as the County of Tau.

2. The Chiefs of said County shall be Lefiti of Siufaga and Soatoa of Luma, who shall hold the office of County Chief during alternate years, for a term beginning on January first and ending on December thirty-first, in each year, the first County Chief being Lefiti of Siufaga, and the second County Chief being Soatoa of Luma.

3. In case of a vacancy occurring in either of the titles of Lefiti or Soatoa, then the surviving Chief shall hold office during such vacancy, without affecting his legal term of office.

Regulation No. 12-1907, enacted November 25, 1907, by C. B. T. Moore, Commander, U.S.N., Governor.

Sec. 83. BANK OF AMERICAN SAMOA.

1. A bank is hereby established by the Government of American Samoa to be known as "The Bank of American Samoa."

2. The principal place of business of this bank shall be in the Government Offices.

3. The object of this bank will be, primarily, for the purpose of providing a safe place for the people of American Samoa to deposit their moneys, and to carry on a regular banking business, in so far as the isolated position of the Islands will permit; and for this purpose the officers and agents of this bank are hereby invested with all the authority necessary to carry on such banking business.

4. The officers of the bank shall be a President, who shall be the Governor of American Samoa; a Vice President, who shall be the Secretary of Native Affairs of American Samoa; a Cashier and an Assistant Cashier, who shall be elected by the Board of Directors; and a Board of Directors to consist of the President, the Vice President, the Health Officer of American Samoa, the Sheriff of American Samoa, and the Chief Collector of Customs of American Samoa.

5. The Board of Directors shall meet monthly, and at other times at the call of the President. A majority of the Board of Directors shall constitute a quorum. The President of the bank shall preside at all meetings of the Board of Directors, and in his absence the Vice President shall preside.

6. The Government of American Samoa will be responsible for all lawful acts of the Board of Directors, and will guarantee all instruments signed by the Officials of the bank.

7. It shall be the duty of the Board of Directors to pass on all loans made by the bank, and to formulate such regulations and by-laws as from time to time appear to be necessary.

8. It shall be the duty of the Cashier to receive all moneys offered for deposit, pay out all money to be withdrawn, keep a true and accurate account of all moneys deposited and withdrawn, conduct all necessary correspondence in connection with the bank, take all the usual precautions to safe guard all moneys intrusted to the bank, and to perform such other duties as may be required of him by the Board of Directors.

9. The Assistant Cashier shall assist the Cashier in the performance of the above mentioned duties and shall act as Cashier in the Cashier's absence.

10. The Cashier and the Assistant Cashier shall give bond in such sum as the Board of Directors may require.

11. The books of the bank shall be examined quarterly, and at such other times as the Governor may designate, by the Treasurer of American Samoa, who is hereby appointed Bank Examiner.

12. Two thirds of all moneys deposited subject to check and at least one third of all money deposited for interest shall be kept on hand and not subject to loan.

13. Such part of the surplus money of the Island Government, as the Governor may from time to time designate, will be deposited in this bank as a working capital.

14. There will be two systems for depositing money; one to be money deposited subject to check and on which no interest will be paid, and the other to be time deposits on which interest will be paid.

15. Deposits subject to check may be made in any sum of one dollar or over.

16. Time deposits may be made in any sum of not less than five dollars nor more than one thousand dollars, and for the periods of six or twelve months. Deposits for six months will draw interest at the rate of two and half per cent per annum, and deposits for twelve months, will draw interest at the rate of three per cent per annum.

17. For time deposits regular deposit certificates will be given. These deposit certificates will be non-negotiable and must be presented before the deposit can be withdrawn. Time deposits may be withdrawn before maturity, but no interest will be paid on such deposits when withdrawn except in the case of deposits for one year, which, if withdrawn after six months, will draw only six months interest at the rate of two and half per cent per annum.

18. Should it be considered desirable by the bank, sixty days notice may be required for the withdrawal of any time deposit, before its maturity.

19. In computing interest the date from which interest commences will be the first day of the month next following the date of deposit, unless deposit is made on the first day of a month, in which case interest will be computed from the date of deposit.

20. For checking accounts a regular individual bank deposit book will be used. No money may be withdrawn from a checking account without the presentation of such bank deposit book.

*Enacted May 19, 1914, by C. D. Stearns, Commander, U.S.N., Governor.
Amended May 16, 1916, by J. M. Poyer, Governor.*

Sec. 84. GENERAL PERSONAL TAX.

1. In order to increase the funds available for the purpose of building and maintaining public roads and bridges and for other public purposes, other than the payment of the salaries of native officials, each male person who has resided in American Samoa for a period of twelve months or more and who is of the age of twenty-one years and not more than fifty years of age, shall, subject to the exemptions hereinafter provided for, pay, on the first day of July, 1917, and on the first day of July each and every year thereafter, a general personal tax of Five Dollars (\$5.00).

2. The following persons shall be exempt from the payment of said general personal tax:

(a) All persons liable to the payment of native taxes under Section 9 of this Codification.

(b) Officers and enlisted men of the United States Navy ordered to and doing duty in American Samoa: *Provided*, that this exemption does not include members of the Native Fitafta Guard and Band.

(c) Civilian officials and employees of the United States Government or of the Island Government of American Samoa from the United States of America or foreign countries, who have held office or been employed under or by said United States Government or Island Government for the period of six months immediately prior to the date named for listing said general personal tax: *Provided*, that this exemption shall not apply in any case to such officials or employees who have resided ten years in American Samoa nor shall it apply to such officials and employees who

fail to make oath or affirmation that American Samoa is not their permanent residence, but that it is their *bona fide* intention to leave American Samoa upon the expiration of their term of office or period of employment: *Provided* further, that the exemption from payment of said general personal tax shall not apply in favor of officials or employees who are aboriginal natives of Upolu, Savaii and adjacent islands (now known as Western Samoa) or of other islands of the South Pacific or of the Line Islands, nor in favor of officials or employees any one of whose lineal ancestors was an aboriginal inhabitant of any of said islands. Such officials and employees of either the Government of the United States or the Island Government of American Samoa, who pay said general personal tax shall not be required to pay any of the license taxes provided for in Section 17 of this Codification, unless, in addition to holding such office or employment, they are engaged, either directly or indirectly, in one of the trades, occupations, businesses or professions or enjoy some one of the special privileges enumerated in said Section.

(d) American and foreign missionaries, clergymen, priests and lay brothers of any religious denomination or sect: *Provided*, that this exemption shall not apply in favor of such missionaries, clergymen, priests and lay brothers who are aboriginal natives of Upolu, Savaii and adjacent islands (now known as Western Samoa) or of other islands of the South Pacific or of the Line Islands, nor in favor of such missionaries, clergymen, priests and lay brothers any one of whose lineal ancestors was an aboriginal inhabitant of any of said islands.

(e) Persons who by reason of sickness, bodily infirmity or poverty, or for other sufficient reasons may be relieved by the Governor from the payment of this tax.

3. Said general personal tax shall be paid to and collected by the Customs Officer, shall be accounted for in the same manner as other public funds collected by him and shall be expended by the direction of the Governor.

4. Each person liable for said general personal tax shall list such tax with the Customs Officer on or before the first day of June, 1917, and on or before the first day of June of each and every year thereafter.

5. Any person who shall fail to list or pay his general personal tax, as hereinbefore provided, shall be liable to a fine of not exceeding Fifteen Dollars (\$15), or in default thereof to imprisonment for a period of not more than sixty days, with or without hard labor, in the discretion of the Court.

6. All prosecutions for failure to comply with any of the provisions of this Regulation shall be instituted in District Court No. 1.

Regulation No. 1-1917, enacted March 22, 1917, by J. M. Poyer, Governor.

Sec. 85. REPORTS OF VILLAGE CHIEFS.

(Translated from the original in the Samoan Language.)

1. Village Chiefs shall make reports concerning their work every month. All the questions, in the blanks sent to them by the Government, must be answered correctly. These reports shall be sent to the Secretary of Native Affairs at the beginning of the month.

2. Any Village Chief who fails to carry out this Regulation or any portion of it shall be punished according to the discretion of the Governor.

Regulation No. 7-1901, enacted October 7, 1901, by E. J. Dorn, Lieutenant-Commander, U.S.N., Commanding.

APPENDIX No. 1.

Order Relating to Government of American Samoa.

GENERAL ORDER }
No. 540. }

NAVY DEPARTMENT,
WASHINGTON, *February 19, 1900.*

The Department publishes herewith for the information and guidance of the service a copy of an Executive Order, dated February 19, 1900, placing certain islands of the Samoan Group under the control of the Navy Department :

EXECUTIVE MANSION,
WASHINGTON, D. C., *February 19, 1900.*

The Island of Tutuila of the Samoan Group, and all other islands of the group east of longitude one hundred and seventy-one degrees west of Greenwich, are hereby placed under the control of the Department of the Navy, for a naval station. The Secretary of the Navy will take such steps as may be necessary to establish the authority of the United States, and give to the islands the necessary protection.

WILLIAM MCKINLEY.

In accordance with the foregoing, the Island of Tutuila of the Samoan Group, and all other islands of the group east of longitude one hundred and seventy-one (171) degrees west of Greenwich, are hereby established into a naval station to be known as the Naval Station, Tutuila, and to be under the command of a Commandant.

JOHN D. LONG,
Secretary.

* * * * *

APPENDIX No. 2.

An Act For the acknowledgment of deeds and other instruments in Guam, Samoa, and the Canal Zone to affect lands in the District of Columbia and other Territories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That deeds and other instruments affecting land situate in the District of Columbia or any Territory of the United States may be acknowledged in the islands of Guam and Samoa or in the Canal Zone before any notary public or judge, appointed therein by proper authority, or by any officer therein who has ex officio the powers of a notary public: *Provided,* that the certificate by such notary in Guam, Samoa, or the Canal Zone, as the case may be, shall be accompanied by the certificate of the governor or acting governor of such place to the effect that the notary taking said acknowledgment was in fact the officer he purported to be; and any deeds or other instruments affecting lands so situate, so acknowledged since the first day of January, nineteen hundred and five, and accompanied by such certificate shall have the same effect as such deeds or other instruments hereafter so acknowledged and certified.

34 U.S. Stat. L., pt. 1, p. 552.

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